EXHIBIT 1

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1   IN THE UNITED STATES DISTRICT COURT
          FOR THE EASTERN DISTRICT OF VIRGINIA
2   RICHMOND DIVISION

3   _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _
                                      :
4   ePLUS, INC.,   :
                                      :
5   Plaintiff,   :
      v.   : Civil Action
6   : No. 3:09CV620
     LAWSON SOFTWARE, INC.,   :
7   : January 5, 2011
                     Defendant.   :
8   _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _:

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11   COMPLETE TRANSCRIPT OF **JURY TRIAL**
          BEFORE THE HONORABLE ROBERT E. PAYNE
12   UNITED STATES DISTRICT JUDGE, AND A JURY

13

14

15   APPEARANCES:

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25   OFFICIAL COURT REPORTER
               UNITED STATES DISTRICT COURT

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1   terms in their binders, in their book which I believe is at

2   tab --

3   THE COURT: Tab six.

4   MR. ROBERTSON: Thank you, Your Honor.

5   Q   Let me ask, in rendering the opinions you're going to give

6   with respect to the infringement, did you apply the Court's

7   claim construction or some other claim construction?

8   A   I used the Court's claim construction.

9   Q   Did you attempt to faithfully use that claim construction

10   when you were looking at the functionality and capability of

11   Lawson's software?

12   A   Yes, I did.

13   Q   Did you come up with any of your own constructions

14   contrary to the Court?

15   A   No.

16   Q   So just back to the basic subject matter, at a high level

17   of these patents that were issued, what do you consider the

18   benefits to be realized by the inventions over this procurement

19   process that you have described?

20   A   Well, by computerizing the process, by making the catalogs

21   electronic, by being able to search them electronically, by

22   being able to create requisitions and purchase orders, you

23   reduce the economic friction in an electronic commerce system.

24   You make it more efficient, you make it more time-conserving,

25   and you save money.

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1   IN THE UNITED STATES DISTRICT COURT
            FOR THE EASTERN DISTRICT OF VIRGINIA
2   RICHMOND DIVISION

3   _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _
                                      :
4   ePLUS, INC.,   :
                                      :
5   Plaintiff,   :
     v.   : Civil Action
6   : No. 3:09CV620
    LAWSON SOFTWARE, INC.,   :
7   : January 6, 2011
                    Defendant.   :
8   _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _ _:

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             UNITED STATES DISTRICT COURT

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1   MR. ROBERTSON: I was going to identify it

2 right now, Your Honor.

3   THE COURT: What exhibit?

4   MR. ROBERTSON: 149.

5   THE CLERK: 149, plaintiff's, Your Honor.

6   MR. ROBERTSON: Plaintiff's Exhibit 149.

7 BY MR. ROBERTSON:

8 Q   Can you tell me what this is, Doctor?

9 A   This is a request -- excuse me. It's a response

10 to a request for information from Holland Hospital.

11 Q   And it's a response that Lawson gave to a request

12 for information?

13 A   That's correct.

14 Q   And this request for information, is that similar

15 in your understanding as to what these RFPs were you

16 were describing yesterday?

17 A   Yes, they are.

18 Q   So was Lawson responding to information that

19 Holland Hospital was requesting?

20 A   Yes, they were.

21 Q   Can we turn to the page in Exhibit 149 that ends

22 with the Bates label 759.

23   In the middle here under instructions for

24 application, functional requirements questions,

25 there's A, B, C and D. Could you highlight that for

WEAVER - DIRECT   540

 1   us, please.

 2   So these are instructions that Holland Hospital is

 3   giving to Lawson as to how they should indicate the

 4   availability of certain requirements in the Lawson

 5   system; is that your understanding?

 6   A   Yes.

 7   Q   So why don't you tell the jury what these

 8   various -- what A, B, C and D mean in Holland

 9   Hospital's requirements questions?

10   A   So what Holland Hospital did was to produce a set

11   of questions asking about, as we said yesterday,

12   capabilities and functionality, and the requested

13   response was first this letter coding, A, B, C, D. So

14   if the response is A, as you can see in the legend

15   here, then the functionality that's being requested

16   is -- Lawson is saying it's available and currently

17   installed.

18   If the response is B or C or D, then it's as you

19   can read, under development or customized or simply

20   not available.

21   Q   So A is available and currently installed; is that

22   right?

23   A   That's right.

24   Q   Underneath that is a heading called "rating

25   column." Could you highlight that for us, please?

 1 And for each requirement listed Lawson was required to

 2 rate the application's performance on a scale of 0 to

 3 7 with 0 indicating no performance and 7 indicating

 4 leading edge capabilities. Do you see that?

 5 A   Yes.

 6 Q   Could you turn to the page that ends with 767 in

 7 this response that Lawson gave to Holland Hospital.

 8 Do you see the question No. 10?

 9 A   I sure do.

10 Q   Can you tell us -- there it says, "ability to

11 produce supply catalogs by item number, manufacturer,

12 vendor, class and inventory location. Do you see

13 that?

14 A   Yes.

15 Q   And what was Lawson's response to this

16 requirement?

17 A   So the letter code is A, which, as we just saw,

18 meant that this is installed and available. And the

19 numeric rating code is 7, which, as we just saw, meant

20 leading edge capabilities.

21 Q   If we go back to the front page of Plaintiff's

22 Exhibit 149 and just highlight the date for us,

23 please.

24   Was Lawson representing as of January 6, 2006,

25 that it had the ability to produce supply catalogs by

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1 item number, manufacturer, vendor, class and inventory

2 location, and that it was a leading edge capability?

3 A   That's what this document says.

4 Q   Is that description of its capability to produce

5 these catalogs in your opinion consistent with the

6 Court's definition of a catalog?

7 A   Yes.

8   THE COURT: Now, ladies and gentlemen, just

9 so you understand, he's not testifying about what

10 Lawson intended when they used that term. He's

11 testifying about his interpretation of what that term

12 means as Lawson used it. He can't know what Lawson

13 intended. Maybe if Lawson intended something else,

14 they can put on somebody to testify that that's not

15 what we intended, and you have to take that into

16 account in deciding the case.

17   Is that the kind of instruction you wanted?

18   MR. McDONALD: Yes, Your Honor. That will be

19 fine.

20   THE COURT: Mr. Robertson, how do we know

21 that that response there has anything to do with the

22 systems that are accused? They can be talking about

23 the Lawson common fraud system for all I know, not

24 that there is one of those. But do we have a basis

25 for any of this? And have we yet told the jury what

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1 the Lawson system is that's accused. It's System 3,

2 isn't it? That's what it is, isn't it? Did he look

3 at that?

4   MR. ROBERTSON: Let me ask you that, Doctor.

5 Q   What systems, what functionality, what modules did

6 you look at with respect to the Lawson system when you

7 rendered your opinions concerning infringement?

8 A   There's an S3 procurement system that has a series

9 of modules, software programs inside. So there's a

10 Lawson system foundation. There's a Lawson process

11 flow. There's a requisition module, a purchase order

12 module, and inventory control module. There are other

13 modules that can sit on top of those like requisition,

14 self service, a Punchout, which I'll explain later,

15 and an EDI, electronic data interchange module.

16 Q   Could they be combined in various configurations?

17 A   They can. There are certain things that must be

18 present and others that can optionally be hooked

19 together.

20 Q   Was it your understanding that Lawson in the

21 response to the Holland Hospital --

22   THE COURT: What was your understanding as to

23 what Lawson used to prepare the response? Instead of

24 leading him; ask him.

25 Q   What was your understanding that Lawson was

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1 proposing to Holland Hospital in response to its

2 request for information?

3 A   The S3 procurement system.

4   THE COURT: In other words, they used the S3

5 system in order to prepare that response; is that your

6 understanding?

7   THE WITNESS: Yes, Your Honor.

8   THE COURT: What's a module? You used that

9 term.

10   THE WITNESS: I'm sorry, Your Honor.

11   THE COURT: What is a module as you used that

12 term?

13   THE WITNESS: Oh, a module is a piece of

14 software, and we call it a module because it fits

15 together with others.

16 BY MR. ROBERTSON:

17 Q   Dr. Weaver, if I could just take you back to 149,

18 Plaintiff's Exhibit 149, back to that page that was

19 759. And under the material management requirements

20 up at the top third bullet down, do you see that?

21 A   Yes.

22 Q   What is it that were the requirements?

23 A   So the requirements are these three modules:

24 Inventory control, purchasing, and requisitioning.

25 Q   Were those the modules that you have looked at

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1   THE WITNESS: Yeah, that was exactly what my

2   answer was going to be. Depending on the question,

3   the response might be that Lawson would license a

4   software module to the hospital, and the hospital

5   personnel could run it and maintain it. Or perhaps

6   Lawson would install it for them or perhaps Lawson

7   would host it for them.

8   THE COURT: What does that mean? What does

9   host it mean?

10   THE WITNESS: Host it means that the software

11   that runs the system physically resides on a computer

12   server, a big computer system, that Lawson itself owns

13   and maintains so that it's always available.

14   THE COURT: But the hospital could use it?

15   THE WITNESS: Yes, it would be for the

16   hospital's use.

17   MR. ROBERTSON: Thank you, Doctor.

18   BY MR. ROBERTSON:

19   Q   Let me ask you to take a look at Plaintiff's

20   Exhibit No. 219. It's in Volume V.

21   THE COURT: 319?

22   MR. ROBERTSON: 219, Your Honor.

23   BY MR. ROBERTSON:

24   Q   Doctor, tell us what Plaintiff's Exhibit 219 is.

25   A   The Scottsdale Unified School District wrote a

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1 request for proposal and this is Lawson's response to

2 that RFP.

3 Q   What is the date of this?

4 A   December 14, 2005.

5 Q   Let me focus you then on -- well, what was your

6 understanding that the Scottsdale Unified School

7 District, No. 48, was requesting Lawson to make a

8 proposal for?

9 A   Financial management software.

10 Q   Did it also include procurement software?

11 A   Yes, it did.

12 Q   Can I direct you to the page that ends with the

13 Bates label 687. And at the top of the page there's a

14 heading called "Lawson's Procurement Suite." Do you

15 see that?

16 A   I do.

17 Q   There's a subheading, "Purchase Order." Do you

18 see that?

19 A   I do.

20 Q   Is the purchase order module one of the pieces of

21 software that you did some analysis with respect to

22 your infringement opinions?

23 A   Yes, it's one of those modules.

24 Q   And what does Lawson represent here, focusing now

25 on about --

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1   MR. ROBERTSON: Starting at the beginning

2   down to about "receiving goods," midway through that

3   paragraph, if you could highlight that for me, Mike.

4   The entire paragraph.

5   Q   What is Lawson indicating here in response to this

6   request for proposal as to the purchase order module

7   of its procurement suite?

8   A   So after the words "Lawson's purchase order," it

9   says that it streamlines the procurement process from

10 establishing vendor pricing, agreements, and

11 contracts, importing and maintaining item information,

12 creating and issuing purchase orders to receiving

13 goods.

14 Q   And purchase order is a subject of the claims that

15 are at issue in this case?

16 A   Yes.

17 Q   What does Lawson say there with respect to the

18 advantage of this purchase order module that they are

19 offering?

20 A   That it's going to improve efficiency.

21 Q   How is it going to do that?

22 A   By automating this process of putting everything

23 on a computer.

24 Q   All right.   Can you explain to the jury what this

25 vendor price agreement is that's referenced here?

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1   A   Sure. The vendor price agreement is a contractual

2   agreement between Lawson's customer and a particular

3   vendor that the vendor is going to supply a set of

4   items at a fixed cost or at a particular cost.

5   Q   It references here to importing item information.

6   What's your understanding with respect to what

7   importing item information means in Plaintiff's

8   Exhibit 219, this response to an RFP?

9   A   When you have a database of information, it has to

10   be filled. We call it populated. You populate the

11   database. And the way that or one of the ways that

12   you can do that is to bring in data and put it into

13   the format that is appropriate for the database. And

14   that process is called importing. Importing data into

15   the database.

16   Q   Can you turn to the next page, please. And on

17   this page it's entitled, Requisitions. Do you see

18   that?

19   A   Yes.

20   Q   Is that one of the software modules that you

21   examined in order to determine your make your

22   infringement analysis?

23   A   Yes, it's part of the procurement suite.

24   Q   At the bottom there's a heading that says, Several

25   Features of Lawson's Requisition Include. Do you see

WEAVER - DIRECT   550

1   that?

2   A   I do.

3   Q   There are six bullet points, I believe. Can you

4   focus us in on the bullet points you think are

5   significant to your opinions?

6   A   The two that I think are important here are the

7   first bullet point, custom catalogs and templates.

8   And the fourth one; stock, nonstock, special items or

9   services on a single requisition.

10   Q   Why do you find those significant?

11   A   Because these relate to the patent claims.

12   Q   In what way?

13   A   In that the patent talks about being able to have

14   electronic catalogs, and that as items are picked on a

15   hit list, then it becomes ultimately an order list, a

16   chosen set of items. That ultimately becomes a

17   requisition. And that is what the requisitioning

18   system in Lawson does.

19   Q   It indicates you can have stock, nonstock, special

20   items or services on a single requisition. Is that

21   significant in your analysis?

22   A   Oh, yes. If you recall from yesterday, when I was

23   starting my computer lab back in the '70s, the

24   purchasing specialist and I had to write -- had to

25   take my list of wants and divide that so that we were

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1   sending requisitions to an individual vendor to get

2   quotes. So it's a convenience and a time saver and a

3   cost saver if I can put all of the items that I want

4   to order on a single requisition.

5   And then in this case because it's computerized,

6   the purchase order module can look at the requisition

7   and look at that single requisition and divide it into

8   purchase orders automatically. So the single

9   requisition is a big deal.

10 Q   What's a nonstock item, sir?

11 A   Well, that's something that the company does not

12 have in stock and so it's bought from an external

13 vendor.

14 Q   This ability to buy various items from various

15 vendors and place them on a single requisition, is

16 that included in any of the claim elements that you

17 have examined?

18 A   Yes, it is.

19 Q   Can you give us just an example. Can I look at

20 Claim Three of the '683 patent?

21 A   Sure.

22 Q   Tell us where that particular feature is.

23 A   Sure. That is being color-coded in blue. Means

24 for building a requisition using data related to

25 selected matching items and their associated sources.

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1 Q   So we could have a requisition with matching items

2 from more than one source; is that right?

3 A   That's right.

4 Q   Is that consistent with the representation that

5 Lawson is making in its response to a request for

6 proposal on page 868 of Plaintiff's Exhibit 219?

7 A   Yes, it is.   It's talking about nonstock items on

8 a single requisition.

9 Q   Can you take a look at the next page titled

10 "Inventory Control."   Is the inventory control module

11 one of the modules you examined in conducting your

12 infringement analysis?

13 A   Yes, it is a third module in the procurement

14 suite.

15 Q   Is there anything you'd like to direct us to here?

16 What does the inventory control module permit you to

17 do?

18 A   Yes.   The introductory sentence there explains

19 what's going on.   Inventory control enables you to

20 effectively monitor and manage inventory throughout

21 the organization.   It's flexible design and complete

22 integration with requisitions and purpose order

23 applications help facilitate a smooth flow of

24 information and products.

25   So, again, this inventory control is one of the

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1   three main software modules in the procurement suite

2   along with requisitions that we just looked at, and

3   before that, the purchase order module.

4   Q   Could we go to, in 219, could we go to the page

5   that ends in 013? It's actually PX 219 at 0179. Let

6   me make sure I've got it. Thank you. Okay.

7   There's a series of questions here. Let me just

8   go to the beginning of it. They start at page 177 of

9   this exhibit. Do you see it says,

10 Requisition/purchase order process, No. 9, at the top

11 there?

12 A   I'm sorry. What page?

13 Q   177 of 180. It's in the middle at the bottom

14 there.

15 A   Page 177?

16 Q   Yes, sir. It ends with 0119011.

17   THE COURT: What do you mean ends with?

18   MR. ROBERTSON: Excuse me?

19   THE COURT: It ends? What's the "it"?

20   MR. ROBERTSON: The Bates number, Your Honor.

21   THE COURT: The lower number in the number is

22 a Bates number, and what number is that one?

23   MR. ROBERTSON: This is exhibit number --

24   THE COURT: No, what number is the Bates

25 number? Sorry.

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1   MR. ROBERTSON: 9011.

2   THE COURT: Can you find that, Doctor?

3   THE WITNESS: Yes. That's my page 180.

4   BY MR. ROBERTSON:

5   Q   So there's a heading 9 there called

6   Requisition/purchase order process. Do you see that?

7   A   Right. I've got it now.

8   Q   Well, there are a number of questions that are

9   being asked under that heading, correct?

10   A   Right.

11   Q   And Lawson is giving a number of responses. Do

12   you see that?

13   A   I do.

14   Q   Okay. Can you go now to page 179 of 180 or where

15   it ends with the Bates label 9013, and there's a

16   question G. Do you see that?

17   A   I do.

18   Q   Now, confirm for me that we're still talking about

19   the requisition/purchase order process questions that

20   are being asked by Scottsdale Unified School District?

21   A   Yes.

22   Q   Okay. There's a question there: Does the system

23   allow for a catalog of preapproved items for the

24   requisitioners to choose from. Do you see that?

25   A   I do.

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1 Q   What was Lawson's response?

2 A   Individual departments and users can establish

3 custom catalogs that reflect their unique ordering

4 patterns.   Furthermore, you can establish catalogs for

5 certain days of the week by item classification,

6 vendor, or other criteria.

7 Q   Turning back to that Claim Three demonstrative we

8 have, the first element says at least two product

9 catalogs.   Do you see that?

10 A   I do.

11 Q   Can there be more than two?

12 A   Oh, yes.

13 Q   But there must be a minimum of two?

14 A   That's right.

15 Q   When we're talking about these, the claim element

16 three, which says, Means for selecting product

17 catalogs to search, just explain what your

18 understanding of that is from the perspective of a

19 person of ordinary skill in the art.

20 A   This means that there must be a user interface

21 capability that allows a user to select one or more of

22 the catalogs that are available in the system.

23 Q   Can we go to -- this is demonstrative 093, page 1.

24 Side by side.   This is the short form color-coded

25 demonstrative.   Can you put that next to the 093, page

WEAVER - DIRECT   567

1   A   Yeah, okay. So the catalog database is the

2   electronic form of the catalogs all put together so

3   that they can be searched. That is the catalog

4   database.

5   Q   Does the Lawson procurement system include a

6   database in its inventory control module?

7   A   Yes, it does.

8   Q   Can supplier product catalog be loaded into that

9   control module?

10 A   Yes, we'll see that.

11 Q   What's the selection icon?

12 A   Of all the catalogs that are in the database, the

13 user interface provides a way to select one or more

14 that are going to be searched.

15 Q   Now, you have all of these modules I see here

16 within a gray box. What are you trying to illustrate

17 there?

18 A   The gray box is the Lawson system.

19 Q   And these are the various components?

20 A   These are components, modules.

21 Q   There's an icon there for searching for matching

22 items. Do you see that?

23 A   Yes.

24 Q   What did you intend to illustrate there?

25 A   Using the user interface, one engages a search

WEAVER - DIRECT   568

1   program and gives it a search query or initiates a

2   search using a characteristic of a drop down menu.

3   And the search engine then engages and returns items

4   that match the query.

5   Q   Did you examine a Lawson software program that

6   permits a user of a Lawson system to perform that

7   functionality?

8   A   Yes, the requisitioning system does that.

9   Q   You have building a requisition icon here. Do you

10   see that?

11   A   Yes.

12   Q   Please explain what you're intending to illustrate

13   there?

14   A   So in the Lawson system you build a shopping cart,

15   then you add and delete items from it until you're

16   satisfied with it. And then you do a checkout from

17   the Lawson system. And that engages the requisition

18   system and builds the requisition of all the items

19   that you want to order.

20   Q   Are you familiar with the term "a shopping cart"?

21   A   Yes.

22   Q   Is that consistent with your understanding of

23   building a requisition?

24   A   Well, it's not the requisition. It's the data

25   structure that can be modified. You can add and

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 1 delete to it. So in computer terminology, we call

 2 this a cache, a C-A-C-H-E. So it's a data structure

 3 that holds data, and then it's going to be transferred

 4 to the requisition module, and it's in the requisition

 5 module that the requisition is created.

 6 Q   All right. Thank you for that correction. So is

 7 it consistent with an order list?

 8 A   The order list is the shopping cart and that's

 9 what becomes the requisition.

10 Q   Did the Court define what an order list is in its

11 glossary of claim terms?

12 A   Yes. A list of desired catalog items.

13 Q   Did you apply that construction in doing your

14 infringement analysis?

15 A   Absolutely.

16 Q   Next you have an icon for generating purchase

17 orders. Do you see that as part of the overview of

18 the Lawson procurement system?

19 A   Yes.

20 Q   Can you explain that process here?

21 A   So we've got our requisition. This is our formal

22 list of the things we want to buy. It might have one

23 item. It might have a hundred items. The items might

24 be from one vendor or they might be from 100 vendors.

25 Whatever that requisition says, the purchase order

1   A   Yes.   There's a system called Punchout that we'll

2   see that allows us to access vendors.   There's also an

3   electronic data interchange software module that

4   allows us to send purchase orders and get purchase

5   order responses.

6   Q   You used the term "Punchout."   Is that the term

7   that Lawson uses for its software module?

8   A   Yes, this is their term.

9   Q   Have you seen that term "Punchout" employed in

10 other procurement systems?

11 A   Yes, it's a common term of art.

12 Q   Now, what's your understanding as to what is meant

13 when they use the term "Punchout"?

14 A   So there's the Lawson system.   The user engages

15 the Lawson system and using the capabilities of the

16 Lawson system goes to a vendor website, one that's

17 been created for this customer.   And so this idea of

18 looking at an external vendor's specialized website is

19 called punching out of the Lawson system.

20 Q   Have you done a demonstration of that using a

21 Lawson system?

22 A   Yes.

23 Q   When this purchase order response comes back from

24 a supplier, what types of information can be in it

25 that might be useful to the user in making its

WEAVER - DIRECT   573

1   selection and determination as to what it might want

2   to purchase?

3   A   So when we use the Punchout capability, some of

4   these vendors support the capability of reporting

5   whether the item that you want is available in

6   inventory. And so we can see in what's called the

7   Punchout response, we see on a web page displayed in

8   the Lawson system whether or not the item is available

9   in inventory.

10   And if we're using the electronic data interchange

11 module, the purchase order goes to a vendor, and the

12 vendor can reply, and the purchase order responds as

13 to whether that item is available in inventory.

14 Q   So you have this software module within the Lawson

15 system about determining availability and inventory.

16 Do you see that?

17 A   Right here, yes.

18 Q   I think you may have touched on it, but can you

19 tell us the ways in which this accused Lawson system

20 can satisfy the element of determining the

21 availability of inventory within its accused system?

22 A   Yes. So using the Punchout system, I can look

23 into the external catalog of a vendor. And if this

24 vendor supports this capability, I can determine

25 whether the item I want to order is available in

WEAVER - DIRECT   577

1   procurement systems.

2   Q   In your analysis and review of the documents and

3   the deposition testimony, did you make a determination

4   that these foundational software modules were required

5   as part of the Lawson infringing system?

6   A   Yes, in the documentation that I read it was very

7   clear that the Lawson system foundation, LSF, had to

8   be installed before you could install the modules of

9   the S3 procurement system. Likewise, the process flow

10 had to be there as well.

11 Q   In your report, you called the Lawson system

12 foundation a prerequisite module. What did you mean

13 by that?

14 A   The LSF must be there before you can load the

15 modules that are the procurement suite.

16 Q   In order to purchase the procurement suite

17 license, the procurement suite, does a customer of

18 Lawson have to license this Lawson system foundation

19 and process flow?

20 A   That's what the documentation says.

21 Q   Well, I think you touched on the process flow

22 already, but let's take a look, if we can, at the

23 Lawson requisition self service installation guide,

24 which is PX 131. It's in binder 3, Dr. Weaver.

25   Is this document is entitled, "Lawson requisitions

WEAVER - DIRECT   578

1 Self Service Installation Guide." Did you review this

2 as part of your preparation for your expert report?

3 A   Yes, I did.

4 Q   So what is this document?

5 A   This document explains to the customer how they

6 should go about installing this requisition self

7 service module. We're going to call it the RSS.

8 Q   If we could go to bar code 4. It's item 4 of this

9 document. There's a box entitled, "System

10 Requirements" there. Do you see that?

11 A   I do.

12 Q   Where is the information relevant to the Lawson

13 system foundation here?

14 A   It says that the following software and hardware

15 requirements must be met before you install the

16 product. And then in the table below, the first row

17 says, "Lawson system foundation."

18 Q   Okay. So before you can install Lawson's

19 requisition self service, one of the requirement

20 components is the Lawson system foundation; is that

21 right?

22 A   That's what this says.

23   MR. McDONALD: Your Honor, I object. It's a

24 little unclear at this point because requisition self

25 service is a different module from the ones we were

1   reference catalog prices when creating either a purchase order

2   or a requisition. For example, your company must have a

3   catalog price agreement for -- excuse me. For example, your

4   company might have a catalog price agreement for office

5   supplies. This is again confirming that you get your prices

6   from a catalog or a quote price agreement.

7   Q   So is this consistent with your understanding of the

8   functionality of the requisition module?

9   A   Yes.

10   Q   So how are these catalogs and vendor price agreements

11   relevant to the patent claims?

12   A   They are relevant because the source of information is

13   coming from the vendor, and then there are tools that load this

14   into the Lawson purchase order application.

15   Q   In that same binder, Doctor, I'd like you to turn to

16   Plaintiff's Exhibit 108. Tell us what this is.

17   A   So this is the purchase order user guide that's going to

18   explain to us how to set up and use the purchase order

19   application.

20   Q   What is the date that this was published?

21   A   This is November 2008.

22   Q   This purchase order software program or module, was that

23   one of the modules that you said were necessary to the

24   infringing system?

25   A   Right. We saw it in my blue box.

1   A   So between the purchase order and the requisitions -- we

2   saw those as two circles with the arrow between them. As they

3   exchange information, they're going to do it in what we call

4   asynchronously meaning they are not aligned in time.

5   The purchase order interface goes out and looks for work

6   to do, and if it finds a requisition in a file that needs to be

7   created into purchase orders, it gets that file, reads it, and

8   processes it.

9   So the significance that we're going to see when we do the

10   demonstration is that you will see a delay as we create a

11   requisition, and then we have to have another step to create

12   the purchase order. But you will see that.

13   Q   Why is it necessary, though, that a requisition include a

14   vendor?

15   A   Oh, well, how would you know who you are going to buy it

16   from if you didn't have a vendor?

17   Q   Can we go to page 155 of this exhibit, and it ends with

18   Bates label 173, and it's referencing here using EDI to issue

19   purchase orders. What significance in this page of Exhibit 108

20   would you like to point out to the jury?

21   A   We'll start with the first three paragraphs. EDI is the

22   paperless exchange of documents between trading partners.

23   Companies that use Lawson's EDI capability can communicate

24   instantly with suppliers and vendors. Data is transmitted from

25   one company's computer to another electronically.

1   The basic transaction for all EDI purchasing is the

2   electronic purchase order. With electronic purchase orders,

3   EDI users can order materials from vendors electronically.

4   After receiving a purchase order, the vendor returns a detailed

5   purchase order acknowledgment to the client. This

6   acknowledgment summarizes the information on the purchase order

7   and validates the order's authenticity.

8   Q   What, if any, relevance does that have to your opinions,

9   Doctor?

10   A   Well, what we are going to see is that every purchase

11   order that goes out through EDI, called a PO 850 transaction,

12   EDI 850 transaction is going to generate a response, the

13   purchase order acknowledgment which is EDI 855, and that's

14   where there is the opportunity for the supplier to tell the

15   customer whether or not the order can be filled and whether or

16   not the items that are being ordered are available in

17   inventory.

18   Q   This availability in inventory, is that of relevance to

19   the claims that are being asserted here?

20   A   Yes, it is.

21   Q   There's a heading called using internet email to issue

22   purchase orders?

23   A   Right.

24   Q   How does Lawson indicate this process works?

25   A   So this first paragraph under that heading says, purchase

1   Q   I'd like you to turn to Plaintiff's Exhibit Number 112

2   which is in binder two, Dr. Weaver, if you would. And can you

3   tell us, what is that document, sir?

4   A   The inventory control user guide that is going to explain

5   to us how this module seen in my demonstrative, how this module

6   works.

7   Q   What is the date of this document?

8   A   November of 2008.

9   Q   Are you familiar with the document?

10   A   Yes, I've read it.

11   Q   And did you review it for purposes of rendering your

12   opinions?

13   A   I did.

14   Q   Why don't we turn to the page that has the barcode 13 and

15   the Bates label 261. And this is chapter one, overview of

16   inventory control?

17   A   Right.

18   Q   What would you like to point out to the jury with respect

19   to this inventory control module?

20   A   The first paragraph.

21   Q   Okay.

22   A   The Lawson inventory control application lets you define

23   items and manage inventory. The application receives items

24   that you purchase from a vendor or replenish from another

25   location and moves out items by issue, transfer, or allocation.

1   vendor.

2   Q   What information about the items is maintained in the item

3   master?

4   A   So that would be things like item number, the item

5   description, the unit of measure, the cost, the vendor name,

6   and other attributes that the user can define. So there's a

7   set of things that must be there like vendor name and cost and

8   unit of measure, and there's also, as we're going to see later,

9   there's some user defined fields so the user can put in

10   information that the user thinks is important about the

11   particular item.

12   Q   Did it also have commodity and classifications codes?

13   A   Oh, that's right, it can. There's special place for

14   UNSPSC codes, and there's programs to load that information.

15   Q   Refresh the jury, if you would again, on what a commodity

16   classification code is at a high level, if you would?

17   A   Yes. So using these UNSPSC codes, these are eight-digit

18   codes. When you use all eight digits, it is a classification

19   for items that are generally equivalent or substitutable. So

20   it's a way of finding similar items.

21   Q   So this various data points, data information that you

22   just identified, item number and item description and unit of

23   measure and pricing, are all those -- that type of data and

24   information consistent or inconsistent with the Court's

25   construction of an associated -- or, excuse me, organized

 1 collection of items and associated information including

 2 various things?

 3 A   Consistent.

 4   MR. McDONALD: I object to the characterization of

 5 the Court's construction.

 6   THE COURT: I didn't hear the last part.

 7   MR. McDONALD: Maybe it would be helpful just to put

 8 up the construction itself.

 9   THE COURT: All right.

10   MR. ROBERTSON: Sure. Do you have glossary terms?

11 The jury has them.

12   THE COURT: The jury has them in the notebook.

13 Q   So let me --

14   THE COURT: What he objected to is you abbreviated

15 the term. Isn't that what your objection was?

16   MR. McDONALD: That is correct, Your Honor.

17   MR. ROBERTSON: I misunderstood. Let me go back

18 then.

19   THE COURT: That's all he's objecting to.

20   MR. ROBERTSON: Thank you for the clarification, Your

21 Honor.

22 Q   There's a catalog definition; correct?

23 A   Yes.

24 Q   You have it, and the jury has it. And it says it's an

25 organized collection of items and associated information

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1   published by a vendor which includes suppliers, manufacturers,

2   and distributors which preferably includes, and then there's a

3   number of specified things, part number, price, catalog number,

4   vendor name, vendor ID, a textual description of the item, and

5   images of or relating to the item. Do you understand that

6   that's the Court's construction?

7   A   Yes, I do.

8   Q   Is that consistent or inconsistent with the various item

9   data that can be included in the item master?

10   A   Consistent.

11   Q   The vendor cost information, is that contained in the

12   vendor item table in a purchase order module?

13   A   Yes.

14   Q   Are we going to see that at some point?

15   A   Yes.

16   Q   If we can, in the same exhibit, going back to barcode page

17   46, Bates label 294?

18   THE COURT: Excuse me just a minute. Are you saying

19   that in your view, item master fits the defined term catalog?

20   THE WITNESS: Yes, along with the vendor item table.

21   THE COURT: You mean you have to have the vendor item

22   table and the item master for it to be a catalog?

23   THE WITNESS: Yes, sir.

24   Q   Let me have PX-108 again. Let me just ask you a question,

25   Doctor, about this. Is a vendor associated with the item data

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 1              THE COURT:  Counsel, one of the jurors advised the

 2    court security officer that the juror at one time had worked

 3    for Dunn & Bradstreet, and I think the only reference was

 4    something in one of the exhibits about something being

 5    developed by somebody at Dunn & Bradstreet.  I don't know.  Was

 6    it Lawson or ePlus or what?

 7              MR. ROBERTSON:  Your Honor, it's the UNSPSC codes.

 8              THE COURT:  The codes.  It doesn't make any

 9    difference that I see, do you?

10              MR. ROBERTSON:  No, sir.

11              MR. McDONALD:  No.

12              THE COURT:  Whoever that was, don't worry about it.

13    Thank you for telling us, though.  All right.

14              MR. ROBERTSON:  Good afternoon, Your Honor.

15    BY MR. ROBERTSON:  (resuming)

16    Q    Good afternoon, Dr. Weaver.

17    A    Afternoon.

18    Q    Dr. Weaver, we've been talking about a number of these

19    user guides for these modules or software programs that can be

20    configured in various ways to form infringing systems; correct?

21    A    We have.

22    Q    I didn't ask this fundamental question.  What is the

23    purpose of these user guides?

24    A    It's to instruct users on how to operate the Lawson

25    system.
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1   A   Yes.

2   Q   What, if any, significance does that have with respect to

3   the requisition self server module?

4   A   So these first four paragraphs explain the purpose, and

5   then down below are instructions on how to do this. The

6   categories task is designed to use UNSPSC, United Nations

7   Standards Products and Services Codes. Categories let you

8   search for items by category.

9   After you import UNSPSC codes, you can assign them to

10   items using item master. IC 11.1 is one of these programs.

11   The codes have four levels: Segment, family, class, and

12   commodity. These levels create an item hierarchy and let you

13   search each level for items in the item master file. These

14   codes are attached to items on IC 11. That's the item master.

15   After you define categories, you can click on a category

16   top level to open the segment tree to the product, family,

17   class, commodity, branches, and items. You select items at any

18   of the levels.

19   Q   Okay. Is this the same kind of UNSPSC classification

20   codes that can be used to do the converting as defined by the

21   Court that we saw before in, I believe it was the inventory

22   control module?

23   A   Yes, they are.

24   Q   So then this is available functionality as part of the

25   requisitions self-service application as well?

1   A   Yes.

2   Q   What, if any, significance does that have with respect to

3   the requisition self server module?

4   A   So these first four paragraphs explain the purpose, and

5   then down below are instructions on how to do this. The

6   categories task is designed to use UNSPSC, United Nations

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20   codes that can be used to do the converting as defined by the

21   Court that we saw before in, I believe it was the inventory

22   control module?

23   A   Yes, they are.

24   Q   So then this is available functionality as part of the

25   requisitions self-service application as well?

1   A   Right. This is part of RSS.

2   Q   Let me direct you, if I could, Dr. Weaver, to Plaintiff's

3   Exhibit Number 109 which is in volume two. Have you seen this

4   document before?

5   A   Yes, I have.

6   Q   What is it?

7   A   This document is entitled S3 EDI for supply chain

8   management. This was reviewed during the depositions of the

9   Lawson personnel.

10   Q   Let me go to page Bates labeled five of this document that

11   ends -- excuse me, barcode five that ends with the Bates label

12   618. It's entitled Lawson S3 EDI for supply chain management.

13   Do you know what the S3 product is?

14   A   Sure. It's the Lawson procurement suite.

15   Q   Can you define that with respect to the modules that

16   you've identified in your diagram?

17   A   Yes; requisitions, purchase order, and inventory control.

18   Q   What significance is in this particular page of

19   Plaintiff's Exhibit 109?

20   A   The first paragraph explaining what this does. It links,

21   or rather it says links your enterprise to its trading partners

22   to electronically send transactions such as purchase orders,

23   price/catalogs, and invoices electronically.

24   Q   So using this application, can you receive electronically

25   transmitted catalogs from suppliers?

1   A   Yes, you can.

2   Q   Now that we've gone through some of the various -- and

3   overviewed some of the various different Lawson Software

4   modules that can be used to implement these electronic

5   procurement systems, do you have any demonstrations that you'd

6   like to do to show the Lawson system in operation?

7   A   First demonstration would show the category search

8   feature.

9   Q   And you have this, these demonstrations, as I understand,

10   both in captured screen shots -- is that right -- captured

11   software and also in hard copies?

12   A   That's right.

13   MR. ROBERTSON: Your Honor, I'm going to be offering

14   both those for ease of review at the appropriate time.

15   Q   How were you able to capture a demonstration of the system

16   using the Lawson Software?

17   A   So Lawson provided a demonstration system that included

18   these modules that we've been talking about, and it runs on a

19   laptop. So we used -- we practiced to get the demo correct in

20   the sense that it showed what I wanted it to show, and then we

21   used software that was present on the machine that we were

22   given that did a realtime recording of whatever was on the

23   screen. So it's a realtime movie capture.

24   Q   Who provided that software?

25   A   That was provided by Lawson on the machine we got. So as

1   for ePlus?

2   A   Yeah. We could say out of the box, the box being the

3   laptop.

4   Q   One being with the additional data that Lawson assisted

5   ePlus's counsel in loading; is that right?

6   A   That's correct.

7   Q   The first demonstration you have, what do you want to

8   illustrate?

9   A   I want to illustrate the category search in which we can

10 find generally equivalent items and then we can find other

11 items and build a requisition, and then we can build one or

12 more purchase orders from that requisition.

13 Q   Okay. And did you direct the preparation of this

14 demonstration?

15 A   Yes, I did.

16 Q   All right. If we can, before we do that, just so we can

17 orient the jury as to what they're going to see, can we see

18 claim three and claim 28 side by side on the screen?

19   Now, both these claims, claim three being the system claim

20 and claim 28 being a method claim, has this element concerning

21 converting data relating to a selected matching item and

22 associated source to data relating to an item in a different

23 source; do you see that?

24 A   Yes. That's the sixth element.

25 Q   The Judge has construed both these claim terms; correct?

1   A   Yes.

2   Q   And I'm not going to go through it again because we read

3   them at one point, but the jury has them in their glossary.

4   And, of course, all the other elements need to be there as

5   well. Are we going to be seeing, as we walk through this

6   demonstration, the existence of these other elements that you

7   described?

8   A   Yes.

9   Q   Why don't you go ahead.

10   A   All right. So Mike is going to play this movie, and

11   you'll see there are some waits involved in here, but that's

12   just because it's recording exactly what was seen.

13   Q   Stop here for a second and let me ask you a question here.

14   There's a box in the lower right-hand corner. Is that part of

15   the Lawson system or not part of the Lawson system?

16   A   That was part of the system provided, and it's part of the

17   realtime capturing software, so you can -- what's showing --

18   can you see this? So what you are seeing right now is a clock

19   that says we're 12.4 seconds into the movie, and then there's a

20   button that if you were on the real laptop, you could click it

21   and it would toggle from pause to play to pause to play. We've

22   chosen just to let it play.

23   Q   If we wanted to --

24   MR. McDONALD: Your Honor, could I get a

25   clarification on which exhibit, and is there a paper version of

1   this one so we know what you are using?

2   MR. ROBERTSON: It's going to be Plaintiff's

3   Exhibit 376 is the video, and Plaintiff's Exhibit 374 would be

4   the hard copy paper capture of the screen shots.

5   Q   So we're clear, this is like the video playback? We can

6   do the stop, forward, reverse by using these tools if we need

7   to go back at any time?

8   A   Well, these tools are for the original capture. Mike and

9   I am going to do it manually. I'm going to say stop and

10   continue and probably say go back.

11   Q   We may have to go back because it moves quickly sometimes?

12   A   Sometimes it's too quick, and sometimes it's too slow.

13   Right now we're going to start with a go back, so go back to

14   the beginning.

15   All right, so as the laptop screen exists, first I'm going

16   to bring up the browser. I'm going to use Internet Explorer,

17   so here we go. Stop. Now, again, I'm just going to tell you,

18   you're going to see some times when not much is happening, but

19   this is just a true-to-life recording of exactly what was on

20   the screen at the time.

21   Okay, so in your ordinary Internet Explorer browser, I've

22   clicked on the favorites tab, and one of the favorites that

23   I've saved is the Lawson portal.

24   Q   Is this an example of the drop-down menu you were talking

25   about earlier?

1   A   Sure. Exactly. So I'm going to go down and click on

2   Lawson portal. Continue. Now, this is one of those waits.

3   Okay. We get to the Lawson log-in screen. So we put in the

4   user name and password and then click on log in. This will be

5   one of those longer waits. You can see the time clicking away

6   in the bottom right-hand corner.

7   Stop. So now we are at the Lawson home page, and if you

8   are familiar with browsers, you see up here, there is the URL

9   that we're using. LSF server, that's Lawson server foundation,

10   that's what we talked about before. Server.corpnet.lawson.com.

11   So we're looking at the portal.

12   Q   All right, you used the term URL. Can you explain to the

13   jurors what you mean by that?

14   A   Falling back into my vernacular. Universal resource

15   locator, so commonly called a web address. Okay, so we can

16   continue. Top. Stop. That was stop, not top. Here's another

17   one of those drop-down menus. So on the left-hand side, I have

18   a menu. One of the top level choices was requisition self

19   service. So I'm going into the RSS module, and I'm picking one

20   of the activities that is there. This is one of the

21   capabilities. All right, so I'm going to click on the shopping

22   selection. Continue.

23   Stop. So, now we come to the shopping screen. Again, if

24   you look up here at the top, you will see there are some

25   choices that can be made. These are, again, top levels of what

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 1    will be drop-down menus.  I'm going to go click on this
 2    find/shop, and that's going to give me additional choices.
 3    Continue.
 4         Stop.  So here are the choices.  I can search the
 5    catalogs, I can do a Punchout.  I'm going to do that later.
 6    Down there at the bottom is categories.  So I'm going to go
 7    down and click on categories, because I want to do a category
 8    search.  Continue.
 9         Stop.  Now, remember with the UNSPSC codes, we said that
10    there were four levels:  Segment, family, class, and commodity.
11    So what is showing here in the category tab, the category
12    window, is the first three of a small set of these top level
13    categories, these segment categories.  So, remember, there
14    could have been a hundred of them, 00 to 99, but here, for
15    clarity, everyone exchanges those digits for names so that they
16    have -- they make sense to humans.
17         So my top choice there, live plant and animal material and
18    accessories and supplies, that's one of the segment codes.
19    Now, I don't know what code it is, 23, 99, I don't know.  It
20    doesn't matter.  It is representative of what is in this very
21    broad segment.  So I'm going to scroll down and show you the
22    others, and then I'm going to come back and pick one in the
23    middle.  Continue.  See, we only had about six there.  Stop.
24    Q    Let me ask you a question about that then.  There are only
25    six here to illustrate the functionality of it.  Does the
```

1   Lawson requisition self service you are using here have the

2   capability to have more?

3   A   Absolutely.

4   Q   How many could it have?

5   A   It could be a hundred different segments. Each of those

6   segments could have a hundred families. They could each have a

7   hundred classes. They could each have a hundred commodities.

8   Q   I noticed you clicked on one of these segments?

9   A   The one I clicked there in the middle is communications

10   and computer equipment and peripherals and components and

11   supplies. So you can see how broad a category that segment

12   name represents. So what we're going to do now is drill down

13   to become finer-grained.

14   So having clicked on that top level segment -- continue --

15   stop. So underneath the segment is the family. Now, here we

16   show that there's very little data in the system we were

17   provided. Whereas there could be a hundred different family

18   names, there's only one. So due to the paucity of data here,

19   I'm going to click the only possibility I've got.

20   All right, so I've done the segment. This is the family.

21   I'm going to click on the family name, hardware and

22   accessories. Continue.

23   Stop. So now we're down to the class. There could have

24   been a hundred classes, but, again, because there's so little

25   data here, there's only two. So as I look at the class, I have

1   a choice of computers or monitors and displays. So I'm going

2   to go for computers. Continue.

3   Stop. Now I'm down to the commodity level. The

4   commodities, there should be a lot of them, but because of the

5   paucity of data here, we have only one commodity category,

6   notebook computers. So I'll click the only choice I've got,

7   and then that will list the actual item data that is underneath

8   the notebook computers commodity code. Continue.

9   Stop. So now we see all of the items in the database that

10 have the UNSPSC code for notebook computers, and there's only

11 two, okay? Small database.

12 Q   So I understand, for the segments, there could have been

13 thousands, for families there have been --

14 A   Hundreds.

15 Q   Hundreds. What is the next level?

16 A   So you start with segment.

17 Q   Class?

18 A   Could be a hundred. Then family -- each of those segments

19 could have a hundred, and then each of those families could

20 have a hundred classes, and each of the classes could have a

21 hundred commodities.

22 Q   Those commodities, you could have thousands of items?

23 A   Right. Once you get down to the commodity level, you have

24 unlimited number of items that map to that code. Here we have

25 two. Okay, it's going to do the job, though.

1   All right, so I'm going to look at these two computers.

2   You can see the first line item there is an IBM ThinkPad, and

3   it has an item number of 6001. The one below it is a Dell

4   Inspiron 8000. It has an item number of 6020. So I'm going to

5   go click on the item number, and that's going to get us a

6   description of this item.

7   Q   Before you do that, Doctor, does it have unit measure

8   category?

9   A   Right. Under UOM, you see each.

10   Q   Does it have cost information?

11   A   Under cost, the ThinkPad is 2,500. The Dell is 2,000.

12   Q   Does it have description of the item?

13   A   It has a description, IBM ThinkPad T20 or Dell Inspiron

14   8000 with Intel Pentium processors.

15   Q   You indicated it had an item number?

16   A   There is an item number.

17   Q   And it even provides for the Intel Pentium or the Dell

18   Inspiron, the manufacturer?

19   A   I just covered up the description. Yeah. So not only do

20   we have in this case the name of the computer, Dell Inspiron

21   8000, we also have a little more descriptive information, that

22   it's an Intel Pentium III processor.

23   Okay. We'll continue. Oh, and stop. I should also note

24   while we're here that over here is the Dell shopping cart, and

25   it's obviously empty. It's supposed to be empty --

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1   Q   I think you misspoke. I think you said the Dell shopping

2   cart.

3   A   I misspoke. This is the Lawson shopping cart right here

4   where it says my cart. And so as I select items, they will

5   show up in the shopping cart, but we'll see that. All right,

6   so now I'm READY to drill down on the ThinkPad. Continue.

7   So I click on that item number. Stop. And this retrieves

8   the data in the item master and vendor item table database and

9   tells me about the item. So we have an item number, we have a

10   description, a unit of measure, a cost.

11   We have a source vendor ID, 118, and a source vendor name,

12   Office Max. So from observing this information that is

13   produced, I know that this IBM ThinkPad has a vendor source of

14   Office Max.

15   Q   Let me stop and ask a question, Doctor. There's a box

16   there that says image not available. Does this RSS application

17   have the ability to load images of the items offered for sale?

18   A   It does, and the documentation encourages one to do so.

19   But, again, because of the paucity of data, we didn't have any

20   item images in the data we were given.

21   Q   This is how it was provided to us; it could have been

22   provided with an image, because the software permits you to do

23   that?

24   A   Right. It could have been chock-full of images, but it

25   wasn't. Okay, so I'm going to scroll down and up so you see

1   all of the information that was presented to me as the user of

2   the RSS system, and then we'll go back and look at the other

3   Dell computer. So continue. So now I'm going to add that to

4   the cart.

5   Stop. So here in the Lawson shopping cart, I have my IBM

6   ThinkPad T20, item number 6001; quantity, one; unit of measure,

7   each; cost, $2,500. So I'm going to park this item in the

8   shopping cart, but then I'm going to go back and look at the

9   equivalent items, equivalent in that they had the same UNSPSC

10   code.

11   All right, so we'll continue, and I'll click on this back

12   button over here. So here -- stop. Here is that second line

13   item as we saw before, the Dell Inspiron. So I'm clicking on

14   its item number, and we'll drill down on that and see what

15   information is provided there. Continue.

16   Stop. So similarly to what we saw before, this is the

17   other machine. It's an item -- I wiped it out. Item 6020, a

18   Dell Inspiron 8000 with Pentium III processor, a unit of

19   measure each, and a cost of 2,000. But it has a source vendor,

20   ID code of 124, and a source vendor name of Diablo.

21   So the first computer, the ThinkPad was coming from the

22   Office Max catalog. This is coming from the Diablo catalog.

23   So I stare at that, and I think which of these machines is a

24   better choice for me. I'm cheap, so I'm going to go with this

25   one. So I will add this one to the shopping cart, Lawson

1   shopping cart, and delete the other one. So continue.

2   Okay, now stop. So now I have both notebook computers in

3   the Lawson shopping cart, and I'm going to go up here to this X

4   and delete the ThinkPad. Continue.

5   And like all good software, it asks me, do you really want

6   to delete that, and I say, yes. Okay. Stop. So at this

7   point, I have done the UNSPSC code, found two generally

8   equivalent notebook computers, chose one, added it to the

9   shopping cart, added the other one to the shopping cart,

10 deleted the first one.

11   So I've been able to convert one item from one source, the

12 ThinkPad from Office Max, into an equivalent item from another

13 source, the Dell Inspiron here, and having done that, I'm now

14 going to go back and pick another category and find another

15 item to add so that I'll have multiple items in my shopping

16 cart.

17   Okay, so I'm backed out -- because I did that drop-down

18 menu to categories, I'm back at the highest level, the segment

19 level. So continue. Scroll down. Stop. So this time my

20 segment level is laboratory and measuring and observing and

21 testing equipment. Continue. Stop. My family, again, there's

22 only two here, laboratory and scientific equipment, or

23 measuring or observing, or testing instruments and accessories.

24 Continue.

25   So I pick at my family, laboratory and scientific

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 1   equipment.  Stop.  Oh, I might also note that the hierarchy

 2   tree is being kept for me up here at the top.  Here's my

 3   segment level, here's my family level.  As soon as I click here

 4   on my class level, it will appear here and so on.

 5        All right, so I'm about to click on laboratory,

 6   environmental conditioning equipment for my third category.

 7   Continue.

 8        Stop.  Okay, now, again, we're down to commodities.  There

 9   could be a hundred of these, but there's not.  There's just

10   one.  There's one commodity called glove boxes.  So when I

11   click on this, I will see all the items in the item master

12   database and the vendor item table that have been encoded with

13   the UNSPSC code for glove boxes.  Continue.

14        Stop.  Once again, the database is small, so there's only

15   two entries under the commodity heading.  Both of these are

16   boxes of sterile surgical gloves, so I'm going to pick one and

17   add that to my Lawson shopping cart.  Continue.  I'm going to

18   look at it first.  Smart shopper.

19        Stop.  All right.  So I just did a drill-down as I did

20   with the computers.  So you see we have an item number, 1036,

21   we have a description, gloves, sterile surgical, size seven.  A

22   unit of measure.  Here it's case, cost, 400 bucks, source

23   vendor.  The ID number is 117, and the source vendor name is

24   Baxter Healthcare.

25        Continue.  So scroll down and back up, and add that to my
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1   shopping cart. So here it is, gloves at the top, Dell computer

2   at the bottom. Now stop. I have finished shopping, so I have

3   the information from the database now in the shopping cart. My

4   next goal is to create a requisition. Then I'll need to get

5   that approved, and then I'll need to get that turned into

6   purchase orders.

7   So since the gloves and the Dell came from different

8   vendors, I will need two POs, one to each of those vendors, so

9   I'm going to click on checkout. Continue. All right, saved.

10   Stop. So it gives it a number, 911. So when I come into

11   this system next, I'm going to come in as a manager, and I'm

12   going to look for this order 911 that is existing in the

13   system. I'm going to find it among all other orders, and then

14   I'm going to get it approved. All right, continue. Status

15   needs approval.

16   All right, back to the portal home page, and now I'm going

17   to come in as a manager. Here are some requisitions, but 911

18   is not among them. Stop. Here is the requisition 911, and

19   that's the one I need to have approved. Continue.

20   Stop. So here we pull up the requisition, you see right

21   there, and we have the two line items, the Dell Inspiron and

22   the case of gloves. So I've logged in now as the manager when

23   I clicked on manager, and so here are the actions I can take:

24   Approve, reject, or unrelease, so I'm going to approve these.

25   Continue.

1   Okay, approve, approve action to be taken. Okay. Work

2   object. Taken, all right. Stop. So at this point, it looks

3   like -- superficially it looks like I'm done. It looks like

4   I've got it approved, but in this particular example, there

5   were additional business logic rules that said, aha, you have a

6   computer in there. That's a technical thing, so you need

7   technical approval in addition to manager's approval. Okay,

8   we'll go get that, too, so back I go as a manager. Continue.

9   Approve technical items, find 911. There it is. Stop.

10   And so now what I'm going to be approving is the fact that it's

11   got a computer in there. Continue.

12   Stop. While we're here, we may as well show, to show that

13   I'm doing the technical approval, we have this item detailed

14   down here that says it's the Dell computer from Diablo that I'm

15   approving. So I go back up to approve it.

16   Q   Let me stop you for a second, Doctor, and ask you, we've

17   been seeing a number -- some of the features that we're going

18   to be talking about in the claims that were necessary about the

19   product catalog and selecting product catalogs and doing

20   comparison shopping using UNSPSC codes.

21   MR. McDONALD: I object to the form, Your Honor.

22   That wasn't a question.

23   Q   Let me ask this question: This approval process, is this

24   part of the claimed elements that are being asserted here?

25   A   No.

1   Q   Because there's an approval process which is an additional

2   step or additional feature that's there beyond the claim

3   elements, does that render a system non-infringing?

4   A   No.

5   Q   Having this approval process is irrelevant to the analysis

6   when the jury needs to go back and determine whether or not the

7   functionality either satisfies a system or method?

8   A   That's correct.

9   Q   Thank you.

10   A   Okay, so we're ready now to do the technical approval.

11   Continue. So I'll click approval, approval action taken. Work

12   object dispatched. Stop. Now, you heard me say earlier that

13   in the purchase order module, there's a program called PO 100

14   that turns requisitions into purchase orders. So I'm going to

15   run that program, PO 100, and I'm going to tell it which

16   requisition to go get. You might -- you may or may not recall

17   that I said that information gets cached in the system and

18   retrieved.

19   This is retrieving the requisition data by the purchase

20   order module, and then we'll see it generate POs. Okay, so now

21   we're ready to run the PO 100 program. Continue.

22   Stop. So here is the opening screen for the PO 100

23   program. So I'm going to fill in job name and job description,

24   I'm going to put in three pieces of information that the system

25   requires. Here this has -- this part has nothing to do with

1   infringing. This is just how you make the system work, and

2   then we'll see it -- turn the requisition or choose the

3   requisition and then we'll see it.

4   We've chosen the requisition, or have we? No, we're about

5   to because I'm going to give it a name, and then we'll see it

6   generate POs.

7   So I'll call this job RQ911, give it a name, requisition

8   number 911. Default delivery is five days. Release the

9   purchase orders, yes. Choose an option for exception reports.

10   There are some other boxes that are available. I don't need

11   any of these. I'll go back to the main tab, and, okay, that's

12   all I need to do, so I add this. And now I'm ready to submit

13   it to the system for -- by submit, I mean turn the requisition

14   into a PO. So I click on submit, give this a submit -- all

15   right, and stop.

16   Now, this process is actually running what we call in the

17   background. The foreground is this PO 100 screen, and the

18   program is running in the background converting the requisition

19   to a purchase order, so when this was done in realtime, enough

20   time had elapsed for that process to occur and for a report to

21   be generated which is the purchase order.

22   So what I'm going to do next is just go look at it,

23   because it's been created. I just can't see it yet, so

24   continue. I'm going to go up here to the print manager and

25   click on that. Stop.

1   So here this print manager keeps copies of the things it

2   creates, and the very top one on the list is that job that I

3   just named requisition number 911, and it was operated on by

4   the PO 100 program. So when I go click on this, I'm going to

5   reveal the purchase orders that have been created. Continue.

6   Stop. So if you think of this screen and then the

7   scroll-down menu as a big piece of paper, up here at the top we

8   have some information like when it was run, and then here we

9   have information that's important to a purchase order, namely

10   who is doing the purchasing.

11   So in this case, the buyer is the Metropolis Medical

12   Center, and it's their -- somewhere in here it will say the

13   delivery location is main. Well, I don't see that yet. It

14   doesn't matter. What we're going to do now is scroll down a

15   bit more. Okay, continue.

16   Move from side to side, there's nothing to the right.

17   Stop. So here is the first purchase order. Our buyer,

18   Metropolis Medical Center, we have a vendor, 117. Baxter

19   Healthcare is that vendor. We have an item number 1036. We

20   have a description, sterile surgical gloves, size seven. Its

21   source document was requisition 911. Quantity is one. Unit of

22   measure is a case, and here's what I was looking for. The

23   requesting location is main. And then here, the PO has been

24   released. So this system has created the purchase order and

25   released it.

1   Now, that's the first of two. So now I'm going to scroll

2   down some more. Continue. Stop. And here's the second PO.

3   So it's at the bottom of this conceptual sheet of paper. So,

4   again, we have the buyer, Metropolis. We have a vendor, number

5   124 from Diablo. The item number is 6020. The item

6   description is the Dell Inspiron 8000. It came from the 911

7   requisition. I'm ordering one of them in unit of measure each,

8   and I'm delivering it to main.

9   Now, here, for the second PO, it has been released. So

10   two POs have been created and released, and the report

11   summarizes two POs created. That's the end.

12   Q   Thank you. Now, Doctor we're going to be going through

13   some more documents, and we have three more demonstrations to

14   sort of illustrate the functionality of this accused system.

15   And at some point, I'm going to be asking you to go through all

16   12 of these asserted claims for each element under the Court's

17   claim construction. Are you going to be able to do that for

18   me?

19   A   Sure.

20   Q   At this point, just keeping the Court's claim terms in

21   mind, let me just ask you, at a high level with respect to this

22   demonstration we just saw, and keeping the claim three and

23   claim 28 we talked about which include that element for

24   converting, did we see at least two product catalogs?

25   A   Yes, we did.

1   Q   Did we see the ability to select those product catalogs to

2   search?

3   A   We did that through the categories.

4   Q   Tell me what two product catalogs we saw?

5   A   Office Max and Baxter Healthcare.

6   Q   Did we also see Dell and Diablo?

7   A   Yeah, that's right, we did.

8   Q   And was there an ability to select the product catalogs?

9   A   Yes, we did it through the categories.

10   Q   Was there an ability to search for matching items in those

11   product catalogs?

12   A   We did that.

13   Q   How did we do that?

14   A   We put in the -- we did the category search by marching

15   through the UNSPSC codes, picking a commodity and then picking

16   items.

17   Q   Once you had selected those items from the office, from

18   the shopping cart, were you able to put them into a

19   requisition?

20   A   Yes.

21   Q   And did you -- were you able, from that requisition, after

22   you got the appropriate approvals which are not part of the

23   claims of the -- elements of claim, excuse me, were you able to

24   generate one or more purchase orders from that requisition?

25   A   Yes, we did.

1 Q   And were you able, using the UNSPSC, to find items that

2 were similar, generally equivalent?

3 A   Yes, I converted that ThinkPad into a Dell.

4 Q   Thank you. Doctor, I'd like you to take a look at

5 Plaintiff's Exhibit 280, and can you identify what this

6 document is?

7 A   This is the Lawson Software response to Presbyterian

8 Healthcare Services.

9 Q   So this is another one of those responses to an RFP?

10 A   That's correct.

11 Q   And what is it dated?

12 A   March 22nd, 2005.

13 Q   And if you could take a look at the page that begins with

14 barcode 196, if you would, sir. And here -- which has a Bates

15 number that ends 848.

16 A   Yes, I'm there.

17 Q   And here Presbyterian Hospital, in this -- here Lawson, in

18 this response to the request for proposal from the Presbyterian

19 Healthcare Services, is ask asking about requisitioning

20 capability from Lawson; is that right?

21 A   Yes. That's exactly what it says.

22 Q   And it says in the requisitioning capability, it's asking

23 to describe your ordering tools for various types of items,

24 stock, nonstock, and non-catalogs; do you see that?

25 A   Mike, it is below there. There it is.

1   Q   Okay. And the response, is that on the next page?

2   A   That's on the next page.

3   Q   Let me -- okay, let's go to the next page. And in

4   response to this RFP, this Lawson requisition, is that one of

5   the modules that you've been describing today?

6   A   It is.

7   Q   What does it say that the capability is of Lawson

8   requisitions that Lawson is representing to the Presbyterian

9   Healthcare Services?

10   A   That first paragraph says, Lawson requisitions enables

11   users to view online catalogs for stock and nonstock items,

12   select items from the catalog or a template, and add additional

13   comments to their requisitions.

14   Also, requesters can add non-catalog items such as service

15   or specials through item free form input. Additionally,

16   requester can view all previously created requisitions and

17   status with requisition inquiry.

18   So this tells us that the users can view online catalogs,

19   they can select items, and they can prepare requisitions.

20   Q   And this is using that requisitions module that you

21   described; is that right?

22   A   It is.

23   Q   Let me ask you, there's an additional question on this

24   page where Presbyterian Healthcare Services asks Lawson to

25   quote, describe your system's ability to establish global

1   requisition templates and its ability to support role-based

2   modification of requisition templates. Can you tell us how

3   Lawson responded to that question?

4   A   Right. Underneath that is the answer. Users have the

5   ability to select items from the item catalog, external vendor

6   catalogs called Punchout, or from predefined shopping lists.

7   So this is telling us that we have the ability to select

8   items from the internal catalog, item master and vendor item

9   table, or from external catalogs, and that external vendor

10   catalogs are available through the Punchout mechanism.

11   Q   So earlier this morning, the Court had asked the question

12   concerning whether there were two different types of catalogs

13   that might be -- that might satisfy the claim language as the

14   Court has interpreted it. Is this an illustration of two types

15   of catalogs available from the Lawson system?

16   A   Absolutely. It's selecting from the item catalog, that's

17   the internal one, and then the external ones are the Punchout

18   catalogs.

19   Q   If we could go to page 194 of this document which has the

20   Bates label 846. There's a question by this requester, how can

21   an end user utilize your solution to order an item from CS for

22   direct delivery to floor. Do you see that?

23   A   I do.

24   Q   What do you understand CS to mean?

25   A   I forget.

1   Lawson requisition self service?

2   A   I realize that can be ambiguous. So I, the human user,

3   using the Lawson system, have connected to the external special

4   Dell site. I have shopped. I have put some items in the Dell

5   shopping cart. I have clicked on the Dell checkout.

6   Q   I want to stop you there because this is a little

7   confusing when you say special Dell website. This is not the

8   Dell website that I can just open a browser and go to and shop

9   from my home computer. What is this special Dell website you

10   are referring to here?

11   A   It is a website that Dell has created for this customer,

12   and its address is that URL I showed you in step four.

13   Q   But let me ask you, to get to this special website you've

14   been talking about, what software are we using to do that?

15   A   This is the Lawson software. It's redirecting me to this

16   special site.

17   Q   When you do this demonstration that is going to illustrate

18   this Punchout capability of this requisition self service, are

19   we going to be able to see that we're not just at the

20   commercially available Internet Explorer website of Dell but

21   we're at some sort of specialized website that has been set up,

22   directed, and controlled in some way by Lawson?

23   A   That's right. That's why I wanted -- that's why this

24   technical detail is necessary, so that we can see and observe

25   and interpret that in the demonstration.

1   Q   If I could direct you to page 182 barcode, Bates labeled

2   834, another question is being asked in this RFP. Here it

3   says, define capabilities for uploading foreign data such as

4   price files that are not available as an 832, describe

5   exporting capabilities. What is Lawson's response?

6   A   In addition to supporting 832 catalog imports, Lawson also

7   enables item information to be imported via Excel uploads or

8   utilizing the vendor pricing import functionality. The vendor

9   pricing import program supports the uploading of vendor

10   agreements, and at the top of the next page, and creating or

11   updating item master information.

12   Q   Do you know what this 832 catalog import is?

13   A   Yes. So electronic data interchange has lots of

14   predefined standards for how documents are to be exchanged and

15   what their formats are. So the 832 is the format for an

16   electronic vendor catalog.

17   Q   You mentioned the uploading of vendor agreements before.

18   The vendor agreements, what did you indicate with respect to

19   them as to whether they could have catalog data?

20   A   Those are the vendor price agreements, so they provide the

21   cost information.

22   Q   Turn to page 190 of this exhibit. There's a question

23   being asked in this requisitions module, what electronic

24   transaction sets can be handled. Do you see that?

25   A   Yes.

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1   Q   What is Lawson's response?

2   A   Lawson procurement supports electronic data interchange

3   with numerous vendors and suppliers. Transactions that are

4   currently supported include 850 purchase order, 855 purchase

5   order acknowledgment, 856 advance ship notification, 810

6   invoice, and 832 item catalog. Additionally, Lawson provides

7   interface files within each module to further the exchange of

8   information as needed.

9   Q   So what, if any, relevance does that have to the issues

10   the jury needs to determine?

11   A   This says that Lawson supports these standardized EDI

12   transactions, so they can send purchase orders to vendors, they

13   can receive the purchase order acknowledgment that tells

14   whether or not the order was accepted, whether it had errors,

15   whether items that were in there were backordered or not

16   available in stock, and using that 832 transaction, that Lawson

17   can import a vendor catalog using the EDI functionality.

18   MR. ROBERTSON: I'm moving on to another document,

19   Your Honor. I don't know when it was you wanted to take your

20   afternoon break, but I'm happy to move forward.

21   THE COURT: Well, we probably need go ahead and

22   change court reporters.

23   THE COURT REPORTER: I can go a little bit longer.

24   THE COURT: Go ahead, and we'll see. We'll take a

25   break in maybe 15 minutes.

1   Q   And, again, we have these headings that are A, B, C, and

2   D.   Do you see that?

3   A   I do.

4   Q   Is there a description of what A entails?

5   A   We saw it earlier this morning.   That A means that the

6   capability is installed and currently available.

7   Q   Does CML Healthcare ask Lawson to provide any explanation

8   for responses under B, C, or D?

9   A   Right.   If the response is not going to be A, then CML is

10   asking for an explanation of why the response is B, C, or D.

11   Q   This is a number of questions here that go on for a number

12   of pages; is that right?

13   A   Oh, yes.

14   Q   With respect to the capability of this column entitled

15   item master file, there's a requirement number 12.   Do you see

16   that?

17   A   Yes.

18   Q   What's the description that this requester in this case --

19   sorry, it's CML Healthcare.   What question are they asking if

20   the system has the capability were they asking Lawson to

21   represent?

22   A   So CML is asking, does the system have the ability for

23   expanded item search by vendor, catalog number, partial

24   description, manufacturer code, classification code, vendor

25   name, manufacturer name, and the response is A.

1 Q   Does that indicate that they have that capability?

2 A   That that capability is available and already installed.

3 Q   How did Lawson respond to question number 13, does the

4 system perform automatic and/or manual number assignment?

5 A   The same, A.

6   THE COURT: What is that over there on the right?

7 "Or only," what does that mean?

8   THE WITNESS: I don't know.

9   THE COURT: Is that what it says, "or only," or am I

10 reading it wrong?

11   MR. ROBERTSON: That's what it appears to say, Your

12 Honor.

13 Q   Let me take you to page 46 of this response. I'm sorry.

14 I probably directed you to the wrong question. This

15 requirement number 13, under purchasing, do you see that? It

16 ends with the Bates label 893?

17 A   Okay. 13, question 13. Requirement 13, actually.

18 Q   Let me read it for you. Does your system provide

19 automatic electronic notification to requisitioners when there

20 is a backorder or invalid/discontinued items. And what does

21 Lawson represent there?

22 A   So the response is A so that that capability is available,

23 and then there's a note just explaining how that functionality

24 is evidenced, and it says, via Lawson's process flow, which we

25 saw the block this morning, or Lawson business intelligence,

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1   THE COURT: All right, Mr. Robertson.

2   MR. ROBERTSON: Thank you, Your Honor.

3   BY MR. ROBERTSON:

4   Q   Dr. Weaver, if you would go to Volume 1 of the

5   exhibits, and specifically Plaintiff's Exhibit 105,

6   please. This document is entitled "Lawson Procurement

7   Punchout Trading Partner List." Do you see that?

8   A   I do.

9   Q   It says version 8X and 9.0, and it's dated

10   February 2009. Are you with me on that?

11   A   Yes, sir.

12   Q   What is this document?

13   A   This is a list of the external vendors that Lawson

14   has set up partnerships with to make these people

15   Punchout partners.

16   Q   There's a paragraph that beings "As specified

17   below," do you see that?

18   A   On this?

19   Q   On this first page, 105.

20   THE COURT: It's not on the first page.

21   BY MR. ROBERTSON:

22   Q   I'm sorry. I apologize. On page 3 of the

23   document.

24   A   Sure.

25   Q   I was on the page. What does it indicate that?

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1 A   As specified below, Lawson delivers generic Rick

2 Punchout transaction sets and Commercial Extended

3 Markup Language purchase order formats for the listed

4 trading partner.

5 Q   What does that mean with respect to this

6 procurement Punchout capability?

7 A   It means that what they call transaction sets, the

8 exchange of information, this has already been

9 implemented and it's available. So when I, as a

10 customer, want to do business with a Punchout trading

11 partner that's already established by Lawson, it's

12 quick.

13 Q   What do the next few pages indicate?

14 A   These are lists of the names of the trading

15 partners.

16 Q   In that same book, can you go to Exhibit 104,

17 Plaintiff's Exhibit 104. This document is entitled,

18 Punchout Partner Program?

19 A   Right.

20 Q   Have you reviewed this document?

21 A   Yes, I have.

22 Q   Were you aware that this document was discussed at

23 some depositions?

24 A   Yes.

25 Q   Did you review that testimony?

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1   partner. "Access to Punchout specifications." And

2   "Listing in the Lawson's Partner directory."

3   THE COURT: Does your screen stay on?

4   THE JURY: Yes.

5   THE COURT: How about you-all? Are yours

6   going out on you?

7   THE LAWYERS: No.

8   THE COURT: I think it's just me. What

9   happens is I tap it and it will come back on

10   sometimes. Go ahead. Excuse me.

11   BY MR. ROBERTSON:

12   Q   Dr. Weaver, I'd like you to take a look at

13   Plaintiff's Exhibit No. 212. And that is in Volume V.

14   And it's entitled, "Vendor Implementation Technical

15   Specifications Punchout Connectivity." Have you

16   reviewed this document?

17   A   Yes, I have.

18   Q   What is it?

19   A   Lawson is providing the specifications that are in

20   this document to their Punchout trading partners

21   explaining how they implement this connectivity that I

22   talked about between the partner and Lawson. All

23   those exchanges of messages and formats and so on.

24   Q   Can you go to page 3 of the document with the

25   Bates label 372?

WEAVER - DIRECT   683

1 Q   Page 11, there's a discussion of the purchase

2 order?

3 A   Yes, same type of thing for purchase order.

4 Q   So who is providing all this code?

5 A   All of this is being provided by Lawson.

6 Q   So, Dr. Weaver, you've indicated earlier, you did

7 a demonstration concerning the operation of the Lawson

8 system with this procurement Punchout functionality;

9 is that right?

10 A   That's right.

11 Q   Why don't you preview it and tell us what we're

12 about to see here.

13 A   All right. So I'm going to go to one of those

14 drop down menus. I find shop menu. I'm going to

15 click on Punchout. And then I'm going to go shopping

16 at two Punchout sites.

17 Q   For the record, the video is Plaintiff's Exhibit

18 No. 368, and the hard copy screen shots of that video

19 are Plaintiff's Exhibit 367.

20 A   Ready?

21 Q   Yes.

22 A   Okay.

23 Q   I'm going to try not interrupt you so much this

24 time.

25 A   So we're just looking at the screen of the laptop.

WEAVER - DIRECT   684

1   Continue. I'll click on Internet Explorer. I'll go

2   to favorites.

3   THE COURT: Before do you that --

4   THE WITNESS: Stop.

5   THE COURT: Just one minute.

6   Are you able to see your screens all right or

7   would it we better if we turned the lights out?

8   THE JURY: I'm okay.

9   A JUROR: I just need bifocals.

10   THE COURT: We don't provide those.

11   A JUROR: I know.

12   THE COURT: Okay. Excuse me, Dr. Weaver.

13 A   So I've chosen the favorites tab, and the drop

14 down menu, and I chose the Lawson portal. Continue.

15   I do my user name and password. I login. So

16 there's a brief wait here, but I'll arrive at the

17 Lawson portal home. Okay. I'm finally there.

18   So I'll go over to that requisition self service,

19 and I'll come down to the shopping tab as I did

20 before. Stop.

21   So now here I am at the entrance to the shopping

22 module. I'm going to go up here to find and shop.

23 And I'm going to drop down that menu and choose

24 Punchout. Continue. Stop.

25   Before I get to making a choice of the Punchout

WEAVER - DIRECT   685

1 sites, I want to show you up here at the top the URL,

2 Universe Resource Locator, Web address that we're

3 talking to right now is this

4 lsfserver.corpnet.lawson. com. So that's the server

5 that is providing all the Lawson software that I'm

6 seeing here, which is the requisition self service.

7 But I want you to notice that URL because it's going

8 to change, and that's an important part of the case.

9 Continue. Stop.

10   So you notice that two icons were displayed. Dell

11 and Staples. So these are the two Punchout partners

12 that were available in the demonstration system that

13 we were given.

14   THE COURT: Do you know, Dr. Weaver, if you

15 hadn't been limited to these two, the two that you

16 were given, when you hit the Punchout button on the

17 drop down menu, would all of the punched out partners

18 come up in here or do you know that?

19   THE WITNESS: It would be all of the Punchout

20 partners that this customer had an agreement with.

21   THE COURT: So this customer first has to go

22 in and say, I want to do business with Dell, Staples,

23 Office Depot, Home Depot, whatever?

24   THE WITNESS: That's right, but there has to

25 be an agreement between the parties so that the

WEAVER - DIRECT   686

1 catalog can be customized and the prices can be

2 customized for customer.

3   THE COURT: Okay.

4 BY MR. ROBERTSON:

5 Q   There's an agreement between Lawson and its --

6 when Lawson provides this Punchout capability, the

7 customer can tell Lawson what Punchout websites it

8 wants to go to?

9 A   Exactly.

10   MR. McDONALD: Objection, leading.

11   THE COURT: Went out with the Coolidge

12 Administration on something like this.

13   MR. McDONALD: I have to have an objection to

14 move.

15   THE COURT: I know you need to move, but

16 that's --

17 Q   I just want to follow up on the Judge's questions

18 because there was some ambiquity between who the

19 agreements were between. Does the Lawson customer

20 who's going to use this Punchout module, do they tell

21 Lawson what Punchout website they want to be able to

22 go to?

23 A   That's correct.

24 Q   So then Lawson puts that capability on this

25 Punchout module?

WEAVER - DIRECT   687

1   A   That's correct.

2   Q   So as many as they want Lawson could load on here;

3   is that right?

4   A   As many as the customer says.

5   Q   But the demo laptop that we got from Lawson only

6   had Staples and Dell; is that right?

7   A   That's right.

8   THE COURT: When you say there are these

9   contracts between the customer, you in this instance,

10   and say you're going to do Staples, is that one of

11   those things that comes up and says "I agree to the

12   terms" and that's the end of it or is it actually

13   something else?

14   THE WITNESS: The contract is between Lawson,

15   Lawson and the trading partner. And then I as the

16   customer say -- and I have a whole list of trading

17   partners that we didn't bother to look at. I say, I

18   want to do business with IBM, and Staples and Office

19   Max and whoever.

20   THE COURT: But how do I get the terms? You

21   earlier said, Well, the ones that will drop down here

22   will be the ones that I, the customer, have an

23   agreement with, and they are going to then customize a

24   catalog for me. How does that happen?

25   THE WITNESS: Lawson makes that happen and

WEAVER - DIRECT   688

1   when we get to the site, it will be for me the

2   customer.

3   THE COURT: How does Lawson know to make it

4   happen?

5   THE WITNESS: Because the customer has said

6   which Punchout sites they want to have access to.

7   THE COURT: Okay.

8   BY MR. ROBERTSON:

9   Q   Why don't we continue with the demonstration.

10 A   All right. So I, as the Lawson user, click on

11 Staples. Continue. Stop.

12   If you can remember back to that 8-step diagram

13 that I showed you, I made a big point out of the fact

14 that a URL, a Universal Resource Locator, was returned

15 from the Punchout trading partner, and I wanted you to

16 see what that looks like. So instead of being

17 lsfserver.corpnet.lawson.com, there's an extended part

18 of the URL here, and I realize this is very tiny, but

19 it says HTTPS, which is the secure version of the

20 Hypertext Transfer Protocol. And we're not going to

21 Staples, see, we're going to www.stapleslink.com. So

22 this is the special arrangement between Staples and

23 Lawson.

24   And when we go to that special site, we go to a

25 folder called web applications/WCS-stores-servlet. Do

WEAVER - DIRECT   689

1   you remember I used the word servlet. And the less

2   rest of it is obscured. It starts with S-T. It

3   probably says Staples, but you can't see it.

4   Anyway, this is the point that this URL is

5   returned by Staples. And this is where Lawson is

6   going to redirect me. This is my store at Staples.

7   Continue.

8   Pop up window. You can't get rid of those until

9   you click them away. Stop.

10   So what we just saw was I'm going to look at pens

11 pencils, and correction. All right. Continue.

12   That's what I just showed. Full screen. Okay.

13 Now we go up to the text box. Stop. And my search

14 query is I'm going to look for some furniture, and I

15 want to find items that are available through Staples

16 from two manufacturers, Basyx or Bush. So I type in

17 those names; Basyx or Bush. And that's my search

18 query. So having typed that in, now I click search.

19 Continue.

20   So in the normal return of information, I find

21 that the search for Basyx or Bush return the following

22 items. So here is a list by the type of furniture.

23 Down here is the number of items from Basyx. So

24 there's 150 furniture items from them and 150

25 furniture items from Bush. So I'll just continue.

1   So now I'm just paging through these items that

2 were returned from that search. Here's a second page.

3 Now, stop.

4   I'm going to click on cherry standard suites. So

5 I'm changing from looking at everything, first two

6 pages of everything, to looking at these 45 cherry

7 standard suites, piece of furniture. Continue.

8   Okay. So now, of course, our offerings are

9 reduced. There are 10 by Basyx and 35 by Bush. So

10 there will be 45 items that are potentially visible

11 here.

12   So I'll continue. So I'll click to the next page.

13 More items. Next page. More items. Fourth page.

14 More items. Stop.

15   So now out of these items that I have seen, I'm

16 going to pick the Basyx laminate bowfront desk, and by

17 clicking on this hyperlink, I'm going to drill down to

18 get more information from the catalog.

19   So continue. Stop. So here's the catalog

20 information that is returned by the Lawson system. So

21 you'll see we have a description here of the furniture

22 and then here it is in much more detail. So I get a

23 view of what's available.

24   So continue. Stop. And so here are some other

25 things that are available from the catalog. There is

WEAVER - DIRECT   691

1 the Staples item number. There's the manufacturer

2 number. The unit of measure and the price.

3   All right. Continue. Stop. What I did there was

4 click. In fact, Mike, can you back up a little bit?

5 I was too slow on the draw.

6   Okay. Stop. So I showed you that the catalog

7 items where I'm going next, that was the catalog

8 information. And what, if I can draw, what I'm going

9 to do next is click on delivery date. So I'm going to

10 check whether or not this item is available in

11 inventory.

12   Continue. So click on delivery date. Stop. So

13 here is the information that we saw before plus --

14   THE COURT: We've got a problem.

15   MR. McDONALD: Thank you, Your Honor. I'm

16 just trying to keep up with the paper version, but my

17 version of 367 ends here. Sorry, Your Honor.

18   THE COURT: You have a lot of paper. You all

19 have done very well with all that paper. Just a few

20 little slip-ups shows me that the legal assistants

21 have been doing what they should have done.

22   MR. McDONALD: I agree.

23   THE COURT: They are all human, but there

24 have been very few problems. So don't you worry about

25 it.

WEAVER - DIRECT   692

1   MR. McDONALD: Thank you, Your Honor.

2   THE COURT: Have you got it now?

3   MR. McDONALD: Yes, sir.

4   THE COURT: Okay.

5   A   Okay. So now when we look at this expanded

6   information, we see the column of expected delivery.

7   And you notice it says backordered. So this item is

8   not available in inventory. I'm going to have to wait

9   for this. So I'd rather not do that. I wanted a

10 desk. So I'm going to continue. Go back. Go back.

11 So this takes me back into that cherry standard

12 suites.

13   So I'll look for something else. Go to the next

14 page. So now I'll pick this Bush Milano bowfront

15 desk. Here's its description. Stop.

16   And as you saw. So here's the catalog

17 description. Here's the item number. Here's the

18 manufacturer number. Here's the unit each and here is

19 the price. And we also have the opportunity to check

20 the delivery date on this. So I'll do that.

21   Continue. Click delivery date. Stop. And we

22 have a specific expected delivery date. Nothing about

23 backordered. So this item is available in inventory.

24 So I'll take this one.

25   So we continue. I add this to my order. Stop.

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1   So this is my order as it stands here at Staples.

2   Notice that we're co-branded here with both Lawson and

3   the Punchout partner.

4   Okay. So that's the item that I want. So I'll

5   add that to the order. Continue. Stop. Review my

6   order. Stop.

7   So here's the same information that we saw before.

8   Looks good. So I'm now going to submit this order to

9   Staples.

10   So continue. Stop. So back to that 8-step

11 diagram I talked about, the exchange of information.

12 One of those steps was having the Punchout trading

13 partner take the content of the shopping cart and

14 return that information to Lawson. And so that is

15 what has happened with this last screen change.

16   Here's my Lawson shopping cart with that Bush

17 Milano desk in it. So I'm going to shop some more.

18 So we continue. I'll go to Dell. So now were at the

19 Punchout Dell site. And let me just stop.

20   Once again, I'll point out here that URL you see

21 from the Lawson server, the Dell site has provided a

22 different URL different the normal Dell site. This

23 one is signin.Dell.com/Delllogin/portal/login.aspx.

24 ASPX is programming language. So I've been redirected

25 to this Dell training partner site.

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1   Continue. Go full screen. And now I do a keyword

2   search for printer. I'll look at some printers. Go

3   to the next page.

4   I'll pick this Kodak Easy Share Printer. So I

5   drill down on this. Stop. And I've got the title.

6   I've got the description. I've got the price, but the

7   catalog tells me that it's temporarily out of stock.

8   Please check back soon. So this item is not available

9   in inventory. Okay. So I'll go get something else.

10   Continue. So I go up here to photo printers. And

11 look at the selection available from Dell for that.

12 Here's a Canon wireless printer. Stop.

13   Got my description. Got my price. Usually ships

14 within 24 hours. In addition, there's this other

15 information, the manufacturer part number. The Dell

16 part number and the UNSPSC code.

17   So this usually ships within 24 hours. So this

18 one is available in inventory. So I'm going to take

19 this one. So continue.

20   So I'll add this to the cart. All right. So

21 here's my Dell shopping cart. So it has the order

22 information. I'll create the order. Then Dell has

23 some trade compliance requirements not relevant to us.

24 Continue.

25   All right. Stop. Now, I guess we better continue

WEAVER - DIRECT   695

1   so we can see the descriptions. So continue. Right.

2   Now stop.

3   So here is that wireless printer. Look at the

4   information. It looks good. So I'm going to submit

5   this order. So continue. Stop.

6   So now I have exited the Dell partner site and I'm

7   back into the screen from the Lawson Punchout. And

8   notice that it says I'm retrieving items. So, again,

9   as part of that 8-step process flow between Lawson and

10 the trading partners, now Dell is taking the content

11 of the Dell shopping cart and returning that as the

12 Punchout order document, which is now being accepted

13 and saved by the Lawson system, and then we're going

14 to see that it will go into the Lawson shopping cart

15 up here. So continue. Stop.

16   So there is my wireless printer up here along with

17 my Bush Milano desk. All right. So those are the

18 only two things I wanted. So I now am going to

19 checkout from the Lawson shopping cart. Okay.

20 Continue.

21   All right. Stop. So this has created an order

22 within Lawson with the number, the identifier 919.

23 Like the first demonstration, this one needs approval.

24 So we'll March through that. So continue.

25   So back to the portal. Login as the manager.

WEAVER - DIRECT   696

 1 Find the requisition. It's 919. Get the requisition.

 2 Take a look at it. Okay. Stop.

 3   I'm sorry, Mike. I went a little too long. Would

 4 you back up just a tad? That's it.

 5   So you see we have two line items here; the desk

 6 and the printer.

 7   When we scroll down here, you see we've got item

 8 numbers and we've got manufacturer numbers. So

 9 continue.

10   All right. So looks good to me. I'm going to

11 approve it. Okay. We've got that. So now I'm going

12 to run a PO 100 program. So like we saw before, I'll

13 enter a job name and a job description. I'll call it

14 requisition No. 919. I'll fill in these other items

15 that I need to below. Give it a delivery day of five.

16 Release the purchase order. Don't need the filters.

17 Back to main.

18   Okay. So this goods good. Looks good. I'm going

19 to add it. Now I'm going to submit the job to run.

20 And I explained about foregrounds and backgrounds. So

21 this is going to run and create the POs. So here's

22 the submission.

23   So now the POs are being created and in just a

24 second I can look at them. Give it time to process.

25 And then I'll go up and click on print manager.

WEAVER - DIRECT   697

 1   I'll pick up requisition 919. Stop. And so here

 2   we have the header of the PO that tells who is doing

 3   the buying. It's our good old Metropolis Medical

 4   Center. And then we'll scroll down to see the items.

 5   Continue. Stop.

 6   So here's our first PO. So it's coming from

 7   Staples. It has a vendor item number. It's our Bush

 8   Milano desk. It's a quantity of one. It's an unit of

 9   each. And the PO is released. So the purchase order

10   has been created and released for this desk that I've

11   ordered from Staples.

12   Scroll down. Continue. Stop. So here's my

13   second PO. So this one is the wireless office

14   printer. It's coming from -- I'm not getting my

15   arrows. Oh, well. It's coming from Dell Computer.

16   It's got a vendor item number. The purchase order has

17   been released, and then at the bottom of this entire

18   document the report is complete and two purchase

19   orders were created.

20   So from my Punchout I picked a desk. I found out

21   it was not available in inventory. I picked another

22   desk. Put it in my shopping cart. Went to Dell.

23   Picked a printer. Found out it was not available.

24   Picked another printer. Put it in my shopping cart

25   checked out. Brought that back to Lawson. Created a

WEAVER - DIRECT   698

1   requisition. Created, in this case, two purchase

2   orders. That's it.

3   Q   Thank you, Doctor. So with respect to this

4   demonstration, just like I asked you with respect to

5   the last demonstration, at a high level, I didn't want

6   to go through all the claim terminology right now, but

7   were we able to see in that demonstration that there

8   were at least two product catalogs?

9   A   Yes.

10 Q   Were you able to select the product catalogs?

11 A   Yes.

12 Q   Were you able to search for matching items in

13 those catalogs?

14 A   Yes.

15 Q   You did that?

16 A   I did that.

17 Q   Were you able to build a requisition?

18 A   I did it.

19 Q   Were you able to generate a purchase order?

20 A   I did.

21 Q   Did you see information about whether a product

22 was available in inventory?

23 A   Yes, for the desk and the printer.

24 Q   And there were images of the product?

25 A   Since they were Punchouts we had images for all of

WEAVER - DIRECT   699

1 them.

2 Q   Were there various descriptions and associated

3 information with the items?

4 A   We saw the vendor item number. We saw the

5 manufacturer item number. We saw a description.

6 Q   Did you see price?

7 A   We certainly saw a price.

8 Q   Was everything you saw there consistent with your

9 understanding of what a catalog is as defined by the

10 Court?

11 A   Yes, it is.

12 Q   Thank you.

13   I'd like to talk, just a little bit, about some

14 representatives that Lawson has made about how to

15 select among product catalogs if we could because

16 there's some dispute about whether there's one catalog

17 or more catalogs.

18   Could you go to -- let me first ask you what are

19 some of the item attributes that can be used for

20 selecting product catalogs to be searched?

21 A   Well, we could use vendor item number. We could

22 use vendor name. Manufacturer item number.

23 Manufacturer name. Or partial description of the item

24 or the UNSPSC classification codes.

25 Q   Going back to Plaintiff's Exhibit 170 again. This

WEAVER - DIRECT   700

1   is a response to an RFP. Specifically at page 37,

2   question 12. Are you with me?

3   A   Not on page 37.

4   Q   Of 170.

5   A   170. Right. So let's do the Bates number.

6   Q   I'm sorry. 884.

7   A   Okay.

8   Q   In this question, the requester is asking does the

9   system have the ability for expand the item search by

10 a vendor catalog number, partial description,

11 manufacturer code, classification code, vendor name,

12 and manufacturer name. What does Lawson indicate of

13 its ability to do that?

14 A   They put an X in column A, which says that that

15 capability is installed and is available.

16 Q   Thank you. I'd like to go to Exhibit --

17   THE CLERK: I'm sorry. We couldn't hear you.

18   THE COURT: Which exhibit?

19   MR. ROBERTSON: Plaintiff's 215.

20 Q   Again, this is in response to an RFP. Do you see

21 that, Doctor?

22 A   Yes. This is the response to Jackson Health

23 System.

24 Q   And it's dated May 18, 2006?

25 A   Correct.

WEAVER - DIRECT   701

1   Q   If you could go to the page that has the Bates

2   label 6172.

3   A   Okay.

4   Q   Again, we're talking about functional capability

5   here about expanded search. Do you see that?

6   A   Yes.

7   Q   Just confirm for me this is Lawson's response to

8   this request by the Public Health Trust, Jackson

9   Health system; is that right?

10 A   That is correct, but we need to get the right page

11 up here.

12 Q   If you'll look at the bottom, it has Bates No. 150

13 of 307. Right at the bottom middle.

14 A   Your page numbers are different than mine, but I'm

15 on the right page.

16 Q   You're on the page that ends 6172?

17 A   6172, but that's not what's on the screen.

18 Q   Okay.

19 A   There we go.

20 Q   We were discussing here functional capability and

21 expanded items searched by. Do you see that?

22 A   Yes.

23 Q   It says here "vendor catalog number." What does

24 Lawson say about its availability?

25 A   Under the currently available column, it says yes.

WEAVER - DIRECT   702

1   Q   And partial description of item, e.g. wildcard

2   contains, etc.?

3   A   Yes.

4   Q   Manufacturer catalog number?

5   A   Yes.

6   Q   Classification code?

7   A   Yes.

8   Q   Vendor name?

9   A   Yes.

10   Q   Manufacturer name?

11   A   Yes.

12   Q   Are you aware of the contention that Lawson

13   maintains that an item master is a single catalog

14   rather than a collection of catalogs?

15   A   Yes.

16   Q   Do you agree or disagree with that?

17   A   I disagree.

18   Q   Why is that, sir.

19   A   I think if you have multiple vendor catalogs and

20   you import them into a single database, you have one

21   database, but you still have multiple item catalogs

22   because it has all of the information in it that was

23   originally in the vendor catalogs.

24   Q   And what about with respect to the Punchout

25   catalogs that were available? Do you have an opinion

 1 as to whether that's a multiple catalog availability

 2 or a single catalog?

 3 A   Well, as we just saw when we did our Punchout

 4 Staples and Dell, those were two completely separate

 5 catalogs on separate websites run by different people.

 6 So those are unquestionably separate catalogs.

 7 Q   Do you have an understanding about whether the

 8 '683 patent, for example, requires catalogs to be

 9 searched simultaneously?

10 A   It does not.

11 Q   Did the Court in any of its claim constructions

12 have that requirement?

13 A   No, that's not in the claim construction.

14 Q   Does the Lawson system have the capability of

15 enabling you to select search first a product catalog

16 and then subsequently select a search in another

17 product catalog?

18 A   Yes.

19 Q   Do you see that in any of your demonstrations?

20 A   Yes, we did. The Bush or Basyx.

21 Q   In the demonstration in Punchout, did we see that

22 ability to select those product catalogs?

23 A   Yes, we did because we saw that in Dell and in

24 Staples.

25 Q   Why don't we talk a little bit about searching for

WEAVER - DIRECT   704

1   selected product catalogs using the Lawson keyword

2   index?

3   THE COURT: Excuse me.   Before you do that,

4   are you saying in your view item master is not a

5   single catalog but is a multiple catalog because it

6   has imported into it all number of parts of other

7   catalogs?

8   THE WITNESS: Well, let me just be clear.

9   THE COURT: Yes.

10   THE WITNESS: If the item master is built by

11 importing multiple vendor catalogs, then in my opinion

12 is that database contains multiple vendor catalogs.

13   THE COURT: But what if it is built by

14 importing part of multiple catalogs, parts of

15 catalogs?

16   THE WITNESS: In my opinion, it's still

17 multiple catalogs.

18   THE COURT: I just want to know -- and it's

19 because in those instances you think it's a function

20 of importation?

21   THE WITNESS: Yes, sir.

22   THE COURT: All right.

23 BY MR. ROBERTSON:

24 Q   Does the Lawson system have the capability of

25 importing multiple vendor catalogs?

WEAVER - DIRECT   705

1   A   Yes.   We saw that in the documentation with the PO

2   536 program.

3   Q   Did you see representation that Lawson said they

4   could import multiple catalogs?

5   A   Yes, we did.

6   Q   So I did want to address this searching the

7   selected product catalogs using Lawson's keyword

8   search.   You're familiar with that?

9   A   Yes.

10   Q   Are you familiar with Lawson's contention that it

11   searches the entire item master and therefore the

12   Lawson systems don't, and its search engine, does not

13   search only selected portions of catalogs, but rather

14   the entire item master?

15   A   I'm aware of that, but I disagree with that.

16   Q   Why do you disagree with that?

17   A   Because the way that the system is built it uses a

18   search index.   If you think about building a complex

19   system, you would never build it such that you had to

20   search through every single item in order to match a

21   search query.   It would take forever if the database

22   was of any size.   So that's not the way relational

23   databases get built.

24   Instead there's a search index, and so like the

25   index of a book, you have keywords, and they point to

WEAVER - DIRECT   706

1 where in the database those items reside.

2   So if I do a keyword search for Dell, I look it up

3 in the index, and that tells me where the Dell items

4 are, and I only look at those.

5 Q   Do you have any demonstratives that you prepared

6 to help illustrate this point?

7 A   I do.

8 Q   Could we go to 09 at page 15. Okay. Here you

9 have a definition of an index from Webster's New World

10 Computer Dictionary. What significance here should we

11 be focused on as you talk about this computer search

12 index that's being utilized?

13 A   This part here. When searching or sorting the

14 database, the program uses the index rather than the

15 full database. Such operations are faster than sorts

16 or searches performed on the actual database.

17 Q   As a computer scientist, is using an index in

18 order to search a relational database something that

19 is utilized in order to make those faster searches?

20 A   Absolutely.

21 Q   Do you know how the Lawson's system search index

22 is created?

23 A   Yes.

24 Q   What is that?

25 A   There's a process by which keywords are defined

WEAVER - DIRECT   707

1   that are going to become searchable. So there's a

2   keyword search setup program that you run, and then

3   after you've defined what keywords are going to be

4   searchable and you've got your database loaded, and

5   the item master is now full of data, you run the

6   keyword search load program. That builds the index.

7   And now until you have changed the database, you

8   have got an index into all the searchable keywords

9   that -- all of the keywords that were chosen to be

10 searchable.

11 Q   Are some of those keywords like item description,

12 item number, classification code that you've been

13 addressing already?

14 A   Yes, they are.

15 Q   Which database tables is the search index built?

16 A   I'm sorry. Say that again.

17 Q   Sure. From which database tables is the search

18 index built?

19 A   The item master. Well, and the vendor item table,

20 too.

21 Q   Once the user has selected the field of the item

22 data that are to be searchable, what is the next step

23 in building this index?

24 A   So after you have chosen your keywords, you have

25 to load them all, and then you -- the computer system,

WEAVER - DIRECT   708

1   the keyword search load program, builds this index

2   that is search engine then uses thereafter.

3   Q   Can you take a look at Plaintiff's Exhibit

4   No. 136. It's in Volume III. It's entitled,

5   "Requisition Self Service 8.1, 9.0."

6   A   Yes.

7   Q   What is this exhibit, if you know?

8   A   This is a training program for requisition self

9   service. This particular one is a copy of what a

10 human trainer would be using in terms of slides and

11 notes. So if you're familiar with Microsoft

12 PowerPoint, it has a notes feature. So here is the

13 slide itself, and below it are the notes. So if I

14 were a trainer training you as an RSS class, I would

15 be showing you this picture up here, and then this

16 would be my reminder text of what I wanted to tell you

17 about the slide that I'm showing you. Instead of

18 having an audio recording, you've got words.

19 Q   Is this a presentation that Lawson gives to train

20 its customers?

21 A   Yes.

22 Q   Why don't we go to page 3 of the document, if we

23 could. It's Bates label is 687.

24 A   Right.

25 Q   What would you like us to focus on here?

WEAVER - DIRECT   709

1   A   The first two paragraphs. You can search the

2   catalog, which will search for items in your item

3   master or vendor items. It also allows you to search

4   for keywords for up to 29 fields based on your set up.

5   You can also search based on categories which can use

6   the UNSPSC code categories. And I think we've heard

7   the rest of that before.

8   Q   We've gone over that. Let me direct you then to

9   page 12 of the document. Is this a Lawson keyword

10 search setup proposal?

11 A   Well, this is the training guide and --

12 Q   This is teaching the customers how to set up the

13 keywords?

14 A   Yes, it is.

15 Q   What's the next page?

16 A   Keyword search load.

17 Q   What is that?

18 A   So that was the second program that you have to

19 run. The first one, the keyword search set up, this

20 is where you choose which of the 29 different fields

21 will become searchable. So after you have got them

22 chosen, and you've got your item master database

23 loaded, then you run the keyword search load, and it

24 builds the index.

25 Q   Then if you will turn to page 29. There's a slide

WEAVER - DIRECT   711

1   Q   So once you have enabled the keyword terms and you

2   built the search index, how does the Lawson search

3   engine conduct a search of the item data in the

4   database?

5   A   So if I type in a word into a text box, say Dell,

6   and engage the search engine, it goes to the search

7   index. It looks up Dell. It finds records in the

8   database that match the keyword Dell. And then it

9   extracts that data from the database and presents that

10 to me on the screen.

11 Q   Do you have a demonstrative you prepared to try

12 and illustrate how this search index operates?

13 A   I do.

14 Q   What's being illustrated here, sir?

15 A   Okay. So up here at the top we have the text box,

16 which is the search query. I don't know where that

17 popping is coming from.

18   THE COURT: That's because you, like some

19 witnesses, but not all, articulate your P's in a

20 particular way at a particular length from the

21 microphone, and there isn't anything that we've been

22 able to do about it. And it's not your fault. It's a

23 function of the way things are.

24   THE WITNESS: Thank you, Your Honor.

25   THE COURT: It's annoying, but --

WEAVER - DIRECT   716

1   search load program, and it builds this index, the one

2   that I'm showing on the screen.

3   Thereafter, whenever I do a search, I'm using the

4   index to search only selected parts of the database,

5   not the whole database.

6   THE COURT: All right. I understand that,

7   but the database is what?

8   THE WITNESS: The database is the item master

9   table and the vendor item table.

10   THE COURT: And the database contains

11 extracts or parts of different catalogs, right?

12   THE WITNESS: Each item record and item

13 master represents some product from a vendor catalog.

14 BY THE COURT:

15 Q   Doctor, let me ask you this.

16   THE COURT: I think I may be confusing things

17 more than I am doing any good. So I'll leave it

18 alone.

19 BY MR. ROBERTSON:

20 Q   Have you ever seen this search index being

21 analogized to an index for a book, for example?

22 A   I have.

23 Q   If we had a book that was his history of the Civil

24 Wear, and it had an index with a number of topic

25 headings and number of pages. If I wanted to go to

1   the Battle of Vicksburg, instead of going through

2   every single page of the book to find the chapter on

3   the Battle of Vicksburg, how could I use an index in

4   order to go directly to where that data record would

5   be located in that database, if you will?

6   A   That's a good analogy. So if I've got this Civil

7   War history book and I want to learn about Battle of

8   Vicksburg, I don't start on page 1 and go to page 2

9   and 3 and 4 reading it all to see if it says anything

10 about Battle of Vicksburg.

11   I go to the back to the index. I look up under

12 the alphabetical list. I looked up V. I find the

13 Battle of Vicksburg. And it says pages 301 and 402.

14 So I go back to the book and I look up pages 301 and

15 402. And those are the data record items that are

16 analogous to the Lawson system.

17 Q   So referring back now to your demonstrative,

18 what's happened is someone has assigned essentially a

19 number to a particular topic, and those can actually

20 be cross-referenced, is that right, to go immediately

21 to where the data record is locate in the database?

22 A   They're not cross-referenced, but they are

23 pointers into the database.

24 Q   And using those pointers, you can quickly go to

25 the record rather than going through every single

719

1   Q   Let me ask to you look down at Plaintiff's Exhibit

2   No. 136, I believe. I'm sorry. I apologize. 127,

3   which is the first exhibit in Volume III. Have you

4   seen this document before?

5   A   I have.

6   Q   It's entitled, "Application Design Document for S3

7   Item Search Center."

8   A   Correct.

9   Q   Let me direct you to the page that ends with Bates

10 label 060.

11 A   Okay.

12 Q   The heading there, it's 3.1 S3 item search. Do

13 you see that?

14 A   Yes.

15 Q   This S3 product, is that the procurement system

16 that Lawson offers that's being accused here?

17 A   It is.

18 Q   What does it represent here with respect to the

19 search index that's available for Lawson?

20 A   The S3 item search center has the capability to

21 search for item information within the item master,

22 the item master table. Item location, item loq table,

23 and vendor item, P.O. item inventory table.

24   The table below lists the database tables and

25 fields that are searchable.

WEAVER - DIRECT   720

1 Q   What does that indicate to you?

2 A   So what we have here are a list of fields that can

3 be marked as searchable. And then this index is built

4 from these fields.

5 Q   Does it include vendor item?

6 A   The first one is vendor item. The second one is

7 description. And below that we have what I referred

8 to earlier as user-defined fields. So there are five

9 user-defined fields, which simply means that the user

10 can use them anyway the user likes. You could use the

11 field as a vendor code, for example.

12 Q   Going to the next page, is it also indexed for

13 commodity code?

14 A   Yes, there's commodity code, there's stock unit of

15 measure, and down at the bottom is vendor.

16 Q   Can you turn to the last page of Plaintiff's

17 Exhibit 127, and there's an asterisk there that

18 says -- well, why don't you tell me what you

19 understand that to mean?

20 A   After vendor was the asterisk. And on this page

21 the asterisk is explained. This is true for more

22 fields than just vendor. These elements can only be

23 used in combination with a search value to filter the

24 results of a search.

25 Q   Can you translate that for us? What does that

WEAVER - DIRECT   725

1   Q   It's been represented to me it's very short.

2   Would you like me to proceed, Your Honor.   It's

3   Plaintiff's Exhibit 364 is the video and Plaintiff's

4   Exhibit 363 are the corresponding hard copy screen

5   shots.

6   A   Stop.

7   Q   Dr. Weaver --

8   A   Are you ready?

9   Q   Maybe we should make an effort not to stop as much

10 so we can have more of a narrative if the Court would

11 permit.

12   THE COURT: Whatever he wants to do.   I think

13 he was waiting for you to do a question.

14 Q   Can we proceed with the demonstration?

15 A   We can.   All right.

16 Q   Can you preview it for the jury and tell us what

17 we're going to see here?

18 A   Yes, we're going to see searching for the first

19 criteria of Dell.   And then from those catalogs, we'll

20 see that there are multiple vendors for Dell.   And

21 then we'll refine the search with a Dimension 8100,

22 and we'll find that there are multiple vendors for a

23 more specific search inquiry, and that satisfies the

24 elements of Claim One of the '516.

25   THE COURT: What are the exhibit numbers?

WEAVER - DIRECT   726

1   MR. ROBERTSON: 364 is the video and 363 are

2   the hard copies.

3   A   Let's go.   Pick the browser.   Pick the favorite.

4   Pick the portal.

5   Q   Don't go so fast, Doctor, that we lose the import

6   of the point you're trying to make?

7   A   I have contradictory instructions.

8   Q   I apologize.

9   A   This part you have seen before.   So no problem.

10 We're waiting for the portal to load.   Okay.   We're

11 there.   Some requisition self service, shopping, and

12 from our drop down menu we'll now pick search catalog.

13 Stop.

14   So here is the query text box into which I am

15 going to put the first predetermined criteria.

16 Continue.

17   THE COURT: Excuse me.   What do you

18 understand the catalog that's being searched in the

19 drop down when it says "search catalog"?

20   THE WITNESS: Well, in this case --

21   THE COURT: Where is it going to search?

22   THE WITNESS: In this case it's searching the

23 database of item master and vendor table and, this

24 contains all the catalogs that are in the internal

25 database.

WEAVER - DIRECT   727

1   THE COURT: But it's not Punchout at all?

2   THE WITNESS: No, sir.

3   THE COURT: Because you have Punchout to get

4   the outside vendors?

5   THE WITNESS: That's exactly right.

6   THE COURT: So you search item master and

7   what do you call it?

8   THE WITNESS: Vendor item table.

9   THE COURT: Vendor item table. It says

10   search catalog. Okay. Go ahead.

11   A   So stop. Now, I'm about to enter the first

12   predetermined criteria. I need to tell you, though,

13   that you see over here as part of this advanced search

14   feature there are -- you only see a partial list of

15   keyword fields that can be searched.

16   So if I wanted to really tightly control the

17   aspects of this search, I could go in and pick, say,

18   the item number. I wish I had the -- I'll try this.

19   I can pick the item number. I can pick the item

20   description. I could pick, say, the first alphabetic

21   user field. I could designate what fields I want to

22   be searched by whatever I put in this text box, but

23   what I have done is to click over here on search all

24   the fields.

25   So in my demonstration all of the fields that are

WEAVER - DIRECT   728

1   available are going to be searched using that search

2   index. Okay. Go.

3   So I type in Dell. Stop. So here are the records

4   in the database that include the keyword Dell.

5   Continue.

6   So there are several. Let me pick the first one

7   and drill down on that. Okay, stop. So this is a

8   Dell Dimension 8100 Pentium 4 computer. It's

9   available from Dell Computer. Okay. Continue.

10   I go back. I look at another entry. Stop. All

11 right. Here's a Dell Dimension 8100 Pentium 4, but

12 this one is available from Diablo. The first one from

13 Dell, the second one from Diablo. Continue.

14   Go back. Now, I'm going to add the second

15 predetermined criteria. So I'll put in Dimension

16 8100. I'll search for that. Stop.

17   Now, instead of all entries and catalogs that

18 contain the keyword Dell, I have those catalogs

19 containing the keyword Dell that contain the keyword

20 Dimension 8100. Continue.

21   So here's that first one. That was available from

22 Dell. Here's the second one. It's available from

23 Diablo. And that's important because when we drill

24 down to the claim, what it says is that I have to be

25 able to find an item from one vendor and then the item

WEAVER - DIRECT   729

1   from a second vendor. And that's what I've done here.

2   THE COURT: So you can compare and find one

3   is $1,000 and one is $1,400?

4   THE WITNESS: Yes.

5   THE COURT: And decide which one you want to

6   buy. Do you have the same product?

7   THE WITNESS: In this case I do, yes.

8   MR. ROBERTSON: Your Honor, we're about to

9   move onto another topic. It's not going to be that

10   long, but it's another topic.

11   THE COURT: Well, you're using time

12   measurements of which I am familiar; very short and

13   not that long. What do you have in mind? The jury

14   has been at it for a while. I think this is a good

15   time to let them go home. You get worn out after a

16   while focusing on all the details. You're paying

17   attention carefully and we all appreciate that very

18   much, but why don't you go have a nice evening, and

19   leave your notebooks with Mr. Neal.

20   Drive carefully and don't discuss the case

21   with anybody if you don't mind. Don't go online now

22   and try to find a cheap computer.

23   MR. ROBERTSON: Thank you.

24   (The jury is out for the evening.)

25   THE COURT: Tell them we'll start at nine in

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 1                IN THE UNITED STATES DISTRICT COURT

 2              FOR THE EASTERN DISTRICT OF VIRGINIA

 3                       RICHMOND DIVISION

 4

 5      ---------------------------------------
                                             :
 6       ePLUS, INC.                         :    Civil Action No.
                                             :    3:09CV620
 7       vs.                                 :
                                             :
 8       LAWSON SOFTWARE, INC.               :    January 7, 2011
                                             :
 9      ---------------------------------------

10

11             COMPLETE TRANSCRIPT OF THE JURY TRIAL

12            BEFORE THE HONORABLE ROBERT E. PAYNE

13          UNITED STATES DISTRICT JUDGE, AND A JURY

14
        APPEARANCES:
15
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25               United States District Court
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1   questions.

2   So if you feel like you have a question, you can

3   write them out, send them to me, and I'll take them and look at

4   them. Unless it's something that I can't allow, we'll work out

5   a way to get you the information that you need.

6   You all look like you're not as drained as you were

7   when you left yesterday afternoon. I feel the same way, so

8   let's get a fresh start. Let's go ahead, Mr. Robertson.

9   MR. ROBERTSON: Thank you, Your Honor. Good morning.

10

11   **ALFRED C. WEAVER**,

12   a witness, called by the plaintiff, having been previously

13   duly sworn, testified as follows:

14   DIRECT EXAMINATION

15   BY MR. ROBERTSON: (resuming)

16   Q   Good morning, Dr. Weaver.

17   A   Good morning, Mr. Robertson.

18   Q   I'd like to start out looking at Plaintiff's Exhibit

19   Number 219, if I could, sir, in binder number five. Before we

20   get there, I have a few preliminary questions.

21   Do you know whether or not Lawson provides services to its

22   customers to assist them in importing vendor catalog data into

23   its item master?

24   A   Yes, I do. There was witness testimony to that from the

25   customers.

Weaver - Direct   745

1   Q   And did you see any testimony from Lawson personnel that

2   they provide those services?

3   A   Yes, I did.

4   Q   Are you familiar with the nature of those implementation

5   projects that Lawson conducts on behalf of the customers?

6   A   Yes.

7   Q   Can you tell the jury what they are?

8   A   So the Lawson system is quite complex. So this is not a

9   case of going to Best Buy and getting a shrink-wrapped CD and

10   putting it in your computer.

11   All of those modules that we talked about need to have

12   data loaded. They need to be customized for the needs of the

13   individual customer. So the Lawson witnesses, the corporate

14   witnesses and the Lawson customer witnesses, explained that it

15   was very common for Lawson personnel to be on their site for

16   months, sometimes more than a year, in order to get their

17   system brought up, to get data loaded, to get it tested, and to

18   make it operational.

19   Q   So they test the system?

20   A   Yes, they do.

21   Q   Do they train the customer's personnel how to use the

22   systems?

23   A   Yes, and we saw some of the training material yesterday.

24   Q   Do Lawson employees assist the customers in bringing the

25   system live?

Weaver - Direct

1   A   Absolutely.

2   Q   So back to this Exhibit Number 219 which is a Lawson

3   response to an RFP, if you could take a look at the page that

4   has the barcode 120 which, I believe, will have the Bates label

5   ending 954.

6   A   Yes.

7   Q   And at the top of this document, it says, detailed steps

8   to complete data conversion by proposed data module. Do you

9   see that?

10   A   I do.

11   Q   Can you tell the jury what your understanding is of data

12   conversion in the context of this document?

13   A   Sure. Data conversion means that you are trying to move

14   data from some older system, some legacy system the customers

15   owns, and gets that data reformatted into what is appropriate

16   for the Lawson system. So data conversion is a reformatting

17   issue.

18   THE COURT: Reformatting of the customer's data?

19   THE WITNESS: Of the data -- of the customer's data

20   in a legacy system.

21   Q   Can you explain to the jury what a legacy system is?

22   A   Sure.

23   THE COURT: I don't know that we need to get into

24   that explanation. Just say to a customer's system that the

25   customers has.

Weaver - Direct

1   Q   If you'll turn in the same volume you have there, Dr.

2   Weaver, to Plaintiff's Exhibit Number 216?

3   THE COURT: Before you do that, if the customer has,

4   say, catalogs in its system, is that then converted into the

5   Lawson system, too?

6   THE WITNESS: Well, the data in the catalog could be

7   converted, yes, sir.   Well, the answer to your question is yes.

8   The catalogs that are in the non-Lawson system, their data gets

9   converted so the same data is now in the proper format for the

10   Lawson system.

11   THE COURT: Who decides what needs to be taken from

12   the old system and put into the -- converted to the Lawson

13   system; Lawson or the customer?

14   THE WITNESS: Well, it's probably a joint decision.

15   The customer would decide what catalog data needs to be

16   converted --

17   THE COURT: No, I'm beyond just catalogs.   I mean

18   anything.   Of all the conversions, who makes the decisions

19   about what has to be converted for the Lawson system to work?

20   I didn't ask that question right, so try that one.

21   THE WITNESS: That would have to be a joint decision,

22   because the customers would know what catalogs it needs, and

23   Lawson would know what data needs to be converted to make that

24   happen.

25   Q   Does the data sometimes need to be reformulated when it's

Weaver - Direct   750

1   converted from an older procurement system to the Lawson

2   system?

3   A   Yes. That's what the reformatting does.

4   Q   If the customer wants the same catalog data from its older

5   system put into the new Lawson system it's acquiring, it has to

6   tell Lawson what catalog data it wants migrated over to the new

7   Lawson system; is that correct?

8   A   That's correct.

9   Q   In the course of your review of the testimony and the

10   documents, is that a fairly common practice?

11   A   Yes, it is.

12   Q   So we were at Plaintiff's Exhibit 216, and specifically

13   let's go to page seven, if we could. And there's a heading

14   there called proposed application landscape?

15   A   Yes.

16   Q   And going down to the last sentence under that paragraph,

17   it says, the following applications will be implemented upon

18   completion of both phases of the project are completed. The

19   breakout of the application roll-out by phase is described in

20   section 4.1. Do you see that?

21   A   I do.

22   Q   Can we go over to the next page, and there's a box

23   entitled business management system; do you see that?

24   A   I do.

25   Q   Then there's a heading called Lawson procurement suite.

Weaver - Direct

1   A   I am.

2   Q   I want to direct you to binder one. So my first question

3   is, who typically performs that installation and implementation

4   of a system that utilizes the procurement Punchout?

5   A   That would be Lawson.

6   Q   Did you review any Lawson testimony with respect to that?

7   A   Yes, I did. The Lawson witnesses said that it was very

8   common for the Lawson personnel to implement the procurement

9   Punchout system.

10   Q   Have you reviewed any documents that would confirm that?

11   A   Yes, I have.

12   Q   Why don't you take a look at Plaintiff's Exhibit

13   Number 103. Have you seen this document before?

14   A   Yes, I have.

15   Q   And what is it?

16   A   So this is a list of frequently asked questions -- that's

17   the FAQ -- with regard to procurement Punchout, and this was

18   written by a Lawson employee.

19   Q   And can you turn to page -- let me -- prefatory question.

20   So a Lawson employee is putting together a document that

21   proposes frequently asked questions during this procurement

22   Punchout functionality you described?

23   A   The idea here is Lawson knows what questions are

24   frequently asked, so they prepare a list of questions and

25   answers so that they can easily disseminate answers to

1   frequently asked questions.

2   Q   Why don't you turn to page six of this document. So the

3   questions that are being formed here are by Lawson that they

4   feel are typical or that are frequently asked by their

5   customers?

6   A   That's right.

7   Q   What is the question Lawson identifies is frequently asked

8   at the top of page six?

9   A   The top question is, who typically performs the

10   installation, and the answer is Lawson Professional Services.

11   Q   Thank you, sir. That's all I have with respect to that

12   document.

13   Doctor, you had another demonstration that you wanted to

14   show, and in this demonstration, is this the demonstration in

15   which we were able to, with the assistance of a Lawson

16   employee, load additional item data to be able to show fuller,

17   more robust functionality?

18   A   Yes, it is.

19   Q   This is Plaintiff's Exhibit Number 380, and the hard copy

20   screen shots would be Plaintiff's Exhibit Number 379. So would

21   you please explain to the jury what's going on in this capture

22   of a process operating on the Lawson demonstration system?

23   A   Sure. We'll just play this, and I'll narrate it as we go.

24   Q   If you need to stop at any appropriate point, fine. If

25   you want to skip over some of the things that are not at issue

Weaver - Direct   761

1   in the case, like the approval process or work process flow,

2   that's fine.

3   A   Okay. All right, Mike, let's begin. We launch the

4   browser and go to the portal. We've seen the login before.

5   We're at the home page, and we'll go to requisition

6   self-service and choose shopping. Find/shop tab, and from that

7   drop-down menu we choose the categories. You saw these

8   high-level segment categories before.

9   Stop. This time, you will notice there are more of them,

10 and that's because additional data was loaded in this version

11 of the demonstration.

12   Okay, in the middle of that list is lighting and

13 electrical accessories and supplies, so I'll scroll down the

14 list and go back and choose that high level segment category.

15 Continue.

16   So here's our second level, lamps and light bulbs; our

17 third level, lamps; and our fourth level, which is the

18 commodity, that is halogen lamps. So stop. So now we have a

19 list of all the items in the database that are halogen lamps.

20 Continue.

21   We scroll through the list, choose one, and this is a

22 lamp -- stop. This is a lamp. So that we can remember what it

23 is, it's a 120-watt halogen lamp, and it's available from the

24 vendor ^ Granger. Continue. Add that to my shopping cart. Go

25 back. Scroll through the list, choose another lamp, drill down

Weaver - Direct   762

1   on that, stop.

2   And so that we can tell the difference, this one is a

3   150-watt lamp. So I've done some comparison shopping here. I

4   have searched by categories. I found a number of lamps which

5   are generally equivalent. I chose one, a 120-watt one, and now

6   I change my mind, and I'm going to choose the 150-watt lamp.

7   Notice that this is available from a different vendor.

8   This one is from ^ Gexpro. Continue. So I add it to my

9   shopping cart. There it is at the top, and I delete the

10   120-watt lamp at the bottom of the shopping cart.

11   So I'll go back to the drop-down menu, and now I'll do

12   Punchout. I'll punch out to Dell.

13   Q   Let me just stop you there. You went to an internal

14   catalog database?

15   A   The first halogen lamps that we saw were all in the

16   internal database.

17   Q   And now you're going to an external catalog database?

18   A   This is the external catalog at the special Dell site.

19   Q   So the Lawson system has the ability to both search the

20   internal catalog database and add items to a requisition, and

21   then it can also, in the same process, punch out and go to an

22   external catalog database in order to search a catalog and

23   retrieve items?

24   A   That's right.

25   Q   Is that what you are illustrating?

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1   A   That's what we're illustrating here. Okay, so continue.

2   So we punch out to Dell, go full screen and shop by brand. So

3   at the Dell site, we'll see a list of brands, of products that

4   they carry, and it's a long list.

5   We'll just quickly scroll through some of it, and we'll

6   shop by Kensington brand. So here are some Kensington

7   products. I'll look for carrying cases. So I want a case for

8   my laptop. I'll scroll through these, look at a second page,

9   choose this one, a counterbalance laptop roller. Stop.

10   Q   Let me ask you this, Dr. Weaver, while you stopped: Are

11   we actually at the Dell commercially available website?

12   A   No. This is the special Dell site that's been created for

13   this customer.

14   THE COURT: Dell or Kensington?

15   THE WITNESS: Dell is the site, and Kensington is the

16   brand of carrying case that Dell is selling.

17   THE COURT: Dell sells Dell and others including

18   Kensington, and they are on this site.

19   THE WITNESS: Dell sells, of course, many items and

20   many brands, but they are all on the Dell site, yes.

21   Q   How do we know that this is the Dell site? I see it also

22   has the Lawson logo at the top. What are we seeing here that

23   tells us we're not at the Dell commercially available site but

24   rather some site that Lawson is making available to the

25   customer?

1   A   When we look at that URL, universal resource locator web

2   address at the top, we start at the

3   lsfserver.corpnet.lawson.com.

4   Q   LSF, does that stand for Lawson System Foundation server?

5   A   Yes, it does.

6   Q   That's the foundational software that's necessary to have

7   this S3 procurement software run on top of?

8   A   Right. That was the bottom yellow block in my

9   demonstrative. Then as we look to the right of that, we see

10 we're being redirected to this special website which is

11 signin.dell.com/dellogin/port. I'm sorry, that was portal,

12 /login.ASPX. So this is running software that loads this Dell

13 site.

14   So we have now gone to the Kensington counterbalance

15 laptop roller, but in looking at the catalog description, it

16 says, temporarily out of stock, please check back soon. So I

17 need my cases sooner than that, so I'm going to get a different

18 laptop case. So, continue.

19   So I'll go up to rollers. So in the special Dell site,

20 I'm looking at roller cases. Here is one from Case Logic, so I

21 drill down on that. Stop. So now I have the description, I

22 have the manufacturer part number, I have the Dell part number,

23 I have the UNSPSC code that I used, and now that I look at the

24 information on availability, it says usually ships within

25 24 hours. So this case is available in inventory as opposed to

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1   the previous one that was not. So this case is satisfactory,

2   so I'll choose this one. So continue.

3   I'll add it to my Dell shopping cart. So here's that

4   description. I'll change the quantity to three. I'll create

5   the order, and I'll do the trade compliance. Continue. So

6   here we have the verify and submit. So there is my case,

7   quantity three. That's all right, so I'll submit the order.

8   Stop. So now that I've submitted that order, I have

9   checked out of the Dell site, and here in my Lawson shopping

10   cart I have three roller cases and one incandescent halogen

11   lamp. Continue. So I'm going to check out. I guess I'm going

12   to look at the lamp again. Okay.

13   So here is the detail on the lamp, and -- stop. If you

14   will recall, this one came from Gexpro. Continue, and I'll

15   look at the detail on the laptop cases. So there's my rolling

16   laptop case, and this comes from the Punchout site, from Dell

17   computer.

18   All right. So I'm satisfied with this, so I check out,

19   and now this is saving the Lawson shopping cart into temporary

20   storage where I can turn it into a requisition and then into a

21   purchase order. So back to the portal. You've seen the

22   approval before. I find my requisition number 940. There's my

23   halogen lamp and my three roller cases, so I approve that.

24   Then I'll run that PO 100 program.

25   I give it a job description, I fill in this required

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1   information. Don't need the filters. Now we'll submit this

2   job. The job name RQ 940 is running. I go to the print

3   manager, I get the requisition -- the purchase order and --

4   stop.

5   Here at the top of the purchase order we have the

6   information on the buyer, Metropolis Medical Center. Continue.

7   Stop. So here is our roller laptop case, quantity three

8   coming from Dell Computer, purchase order released. Continue.

9   Stop. And so here then is our second item, the incandescent

10   halogen lamp. It's coming from Gexpro, quantity one, PO

11   released, and the report is complete, two purchase orders

12   created. That's the end.

13   Q   Doctor, in this process in which you searched among

14   product catalogs and an internal catalog database, and you went

15   to an external catalog database at the Lawson Punchout partner

16   Dell, at any time, have you left the Lawson system while doing

17   that?

18   A   Never.

19   Q   Now, Doctor, you talked a little bit about the UNSPSC

20   classification coding yesterday for finding items of general

21   equivalents that could be substituted for each other; you are

22   familiar with that?

23   A   Yes.

24   Q   I don't want to go through the whole segment and family

25   and class and commodity code again, but I do want to ask you --

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 1              THE COURT:  Is that 111 or 11?

 2              MR. ROBERTSON:  11, sir.  I may have misspoken.

 3              THE COURT:  No, I didn't write it down.

 4   Q    Doctor, I'd like to talk to you a little bit now about

 5   what's known as indirect infringement.  You are familiar with

 6   that concept?

 7   A    Yes.

 8   Q    You understand that ePlus is also accusing Lawson of

 9   inducing infringement of the patent claims in this case by

10   encouraging, aiding, abetting, or assisting its customers to

11   directly infringe the method claims at issue in this case?

12   A    Yes, I understand that.

13   Q    What evidence have you reviewed with respect to whether or

14   not Lawson does, in fact, encourage, assist, urge, aid, or abet

15   its customers to use the Lawson systems in a manner that are

16   covered by ePlus's claims?

17   A    Well, we saw yesterday that there were training courses

18   that were being offered.  We looked at one which was the notes

19   for a training session, but there are live training sessions,

20   there are archived on-line training sessions that you can play

21   back.  There are live training sessions that are using an

22   interactive tool so that you can watch a training session and

23   participate in it.

24        We know from testimony of both the Lawson witnesses and

25   their customers that Lawson provides consulting services to
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 1   help with things like the data migration that we talked about

 2   moments ago. Lawson maintains a help website where customers

 3   can go to find documents or to get answers to frequently asked

 4   questions.

 5   We know that Lawson has partnerships with some companies

 6   that provide multiple vendor catalogs. One of those is the

 7   Global Health Exchange. So this helps their customers find

 8   more items that they might want to purchase, and then as you've

 9   seen already, there's voluminous documentation that Lawson

10   provided to its customers about how to use its software

11   products.

12   Q   Will they install, build, configure, maintain, and service

13   those systems?

14   A   They will.

15   Q   Does Lawson provide on-demand online courses?

16   A   Yes, they do.

17   Q   Will they perform product simulation training for you?

18   A   Yes, they will.

19   Q   Do they have interactive webcast training?

20   A   Yes, they do.

21   Q   Do they provide virtual labs where students can interact

22   with a simulation system?

23   A   Yes, they do.

24   Q   Do they offer courses in how to do the electronic

25   procurement?

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1   A   They do.

2   Q   Do they provide manuals and guides to the customers to

3   train them how to set up the S3 item master and add item data?

4   A   Yes.

5   Q   Do we see something about, or are you familiar with

6   courses explaining how to import vendor agreements?

7   A   Yes, we saw that.

8   Q   Do they have a website you can go to if you have any

9   questions?

10   A   Yes, a help website.

11   Q   Do they provide answers to frequently asked questions of

12   their customers?

13   A   They do. We saw one.

14   Q   Are you aware of any kind of technical support tools that

15   Lawson provides to its customers?

16   A   Yes.

17   Q   Are you familiar with a case management and problem

18   management tool?

19   A   Yes.

20   Q   What kind of technical support do they provide, if you're

21   aware?

22   A   If the customer wants them to assist with creating a new

23   system, which most customers do, we saw that in the frequently

24   answered questions, then Lawson support personnel will go to

25   the customer site and help them convert from an old system to a

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1   new system or just install a new system.

2   So they'll do whatever the customer needs to get a new

3   system up and running. And Lawson will even host the entire

4   system for the customer, that is provide the hardware and

5   software and then train the customers about how to use the

6   Lawson system even if it's running at the Lawson site.

7   Q   So when you say host the system, that is the customer

8   doesn't have to actually have the software implemented on its

9   computer servers; Lawson will have it loaded there, and the

10 customer can go to the Lawson system and use it?

11 A   That's right. Yeah. The customer doesn't have to

12 actually have any of the hardware or software. All of that can

13 be run from Lawson-owned and managed and maintained computers.

14 Q   So when Lawson is hosting that software, is it performing

15 the method claims that are at issue?

16 A   Yes, it is.

17 Q   Doctor, when Lawson sells a system that has those core

18 procurement modules you identified, inventory control,

19 requisitions, and purchase order, and the prerequisite modules

20 you identified being the Lawson System Foundation and process

21 flow -- can you put up those two -- yellow and blue box, and

22 there are at least two vendor catalogs either loaded, or

23 through the Punchout system available in the databases, does

24 that system have any substantial non-infringing use?

25 A   No. The suite is intended for one purpose, and that's to

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1   do the kind of procurement that we've been discussing now for

2   more than a day.

3   Q   And then when Lawson sells a system that has each of these

4   foundation and these three core modules that make up an

5   infringing system, plus the requisition self-service

6   application on top of that which makes it more user-friendly as

7   I think you identified --

8   A   Right.

9   Q   -- and there are loaded at least two vendor catalogs,

10 either external or combined with an internal -- let me rephrase

11 that. Let me start over.

12   When you have this requisition self-service loaded on top

13 of these core modules to make it more user-friendly, and when

14 you have available to you either at least two internal catalogs

15 or an internal catalog and at least one external catalog that

16 can be accessed, does that system have any substantial

17 non-infringing use?

18 A   No.

19 Q   We have those three core procurement modules, the

20 requisition self-service and the Punchout procurement

21 application, and available to us at least two product catalogs,

22 does that system have any substantial non-infringing use?

23 A   No.

24 Q   If you would just again for me, I'd like to just confirm

25 the three different scenarios that you have given opinions on